



3MS OF CAMBRIDGE GP LIMITED

**PROPOSED RESIDENTIAL
SUBDIVISION**

**RESOURCE CONSENT
APPLICATION AND ASSESSMENT
OF ENVIRONMENTAL EFFECTS**

16 September 2021

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REPORT INFORMATION

Report Status	Final
Our Reference	MDL000972 - 3MS RESIDENTIAL DEVELOPMENT OF C2 GROWTH CELL
Author	Abbie Fowler
Review By	Mark Chrisp
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PART A

Resource Consent Application

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: Wāipa District Council
Private Bag 2402
Te Awamutu 3840

3Ms of Cambridge GP Limited applies for the following resource consent:

- **Subdivision consent** to enable a stage subdivision within the C2 Growth Cell: Stage 1 (including sub-stages 1A, 1B, 1C, 1D) and Stage 2 comprising in total 212 residential lots, 1 lot for a school, a superlot for a retirement village, 1 neighbourhood commercial lot and associated local purpose reserves, utility lots, access lots and roads to vest.

The Wāipa District Council application form is presented in **Appendix A**.

The activities are more fully described in Part B of this document.

1. The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are as follows:

- 1835A Cambridge Road (Lot 2 DPS 65222 comprised in Record of Title SA54D/529) is owned by Jeanette & Desmond Brough, but is under contract with 3Ms; and
- 694 Grasslands Drive (Lot 5 DPS 87758 comprised in Record of Title SA69C/352) is owned by Ronald Gussey & Thea Gussey and is also under contract with 3Ms.

2. The locations to which the applications relate are:

- 1881 Cambridge Road, Cambridge (legally described as Lot 2 DP 29023, Lot 1 DPS 75243 and Lot 1 DPS 31006 comprised in Record of Title SA56C/447);
- 1871 Cambridge Road, Cambridge (legally described as Pt Lot 1 DP 29023 comprised in Record of Title SA31C/268);
- 1863 Cambridge Road, Cambridge (legally described as Lot 1 DPS 85575 comprised in Record of Title SA68A/9);
- 1865 Cambridge Road, Cambridge (legally described as Lot 2 DPS 85575 comprised in Record of Title SA68A/10);
- 1835A Cambridge Road, Cambridge (legally described as Lot 2 DPS 65222 comprised in Record of Title SA54D/529); and

- › 694 Grasslands Drive, Cambridge (legally described as Lot 5 DPS 87758 comprised in Record of Title SA69C/352).

The Records of Title are presented in **Appendix B**.

3. The activities to which these applications relate to are fully described in Part B of this document.

4. Other resource consents required

3Ms has already obtained a land use consent for earthworks across the entire application site (LU/0166/20).

To enable the development, 3Ms also requires the following resource consents, which will be applied for separately at a later date:

- › **Water Permit** to dewater the site during construction.
- › **Water Permit** from the Waikato Regional Council to divert a waterbody.
- › **Future Land Use Consent** from the Wāipa District Council: land use consent may be required once buildings in each lot are designed. However, these consents are not within the ambit of this resource consent application. Similarly, land use will be required for compact housing, terraced housing and the neighbourhood centre. These consents will be applied for once the designs are confirmed.

5. Attached is an assessment of the proposed activity's effect on the environment that—

- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and**
- (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and**
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.**

6. Attached (within Part B) is an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

7. Attached (within Part B) is an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

8. There is no other information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act.

Dated this 16th Day of September 2021

Signature: 3Ms of Cambridge GP Limited

by its duly authorised agents Mitchell Daysh Limited



Abbie Fowler

Address for Service: Mitchell Daysh Limited
PO Box 1307
HAMILTON 3240
Attention: Abbie Fowler

Telephone: 021 385 991

Email: abbie.fowler@mitchelldaysh.co.nz

Address for Billing: 211 Zig Zag Road
RD1
CAMBRIDGE 3493
Attention: Matt Smith

Telephone: 021 289 0576

Email: matt@3msofcambridge.co.nz



B



PART B

Assessment of Environmental Effects

1. INTRODUCTION

1.1 PROJECT OVERVIEW

This Assessment of Environmental Effects (“**AEE**”) has been prepared in support of a resource consent application under the Resource Management Act 1991 (“**RMA**” or “**Act**”) by 3Ms of Cambridge GP Limited (“**3Ms**” or the “**Applicant**”) to enable of its properties in Cambridge to be subdivided for residential purposes.

3Ms is the owner of approximately 47.85 hectares of land located on the northern side of Cambridge Road, west of Kelly Road and the existing Cambridge Town Centre. 3Ms is seeking to subdivide its property to create 121 lots that will be used for residential purposes within the Cambridge C2 Structure Plan area.

The land to which the application relates is comprised of 6 separate Records of Title that collectively form ‘the application site’. All six titles are zoned ‘Deferred Residential’ as per the operative Wāipa District Plan, with the recent Plan Change 13 (not yet fully operative) decision zoning the property Residential Zone. The site is located within the Cambridge C1 and C2/C3 Structure Plan Area.

3Ms is proposing to subdivide its land in two stages, comprising several sub-stages. For the avoidance of doubt, this application is seeking a subdivision consent and for all stages.

Resource consent as a non-complying activity is required from Wāipa District Council in accordance with the following rules of the operative Wāipa District Plan:

- › Rule 15.4.1.1(w) – Subdivision in a Deferred Zone – Non-Complying Activity;
- › Rule 15.4.2.1 (ac) – Residential Subdivision in the C1 and C2/C3 structure plan areas – Non-Complying Activity;
- › Rule 15.4.2.1 (ad) - Comprehensive Residential Subdivision in the C1 and C2/C3 structure plan areas, in accordance with Rule 15.4.1.1 (e) and Rule 15.4.2.62 - Non-Complying Activity;
- › Rule 15.4.2.3 - Lot frontage, lot shape factor and vehicle crossings (all other zones) – Discretionary Activity;
- › Rule 15.4.2.7 – Lot Design – Discretionary Activity;
- › Rule 15.4.2.13 – Site Suitability: General – Non-Complying Activity;
- › Rule 15.4.2.65 – Roads – Discretionary Activity;
- › Rule 16.4.2.2 – Road Hierarchy - Discretionary Activity; and

- › Rule 16.4.2.5 - Vehicle entrance separation from intersections and other vehicle entrances – Discretionary Activity.

This application is not seeking a land use consent for the development that will occur subsequent to the subdivision. Any land use consent requirements will be determined once the individual dwellings have been designed.

1.2 STRUCTURE OF THIS REPORT

- Section 1:** This introduction provides background to the proposal, an introduction to 3Ms, a summary of the required consents, and the structure of this AEE.
- Section 2:** Describes the environmental setting, including general site characteristics and physical setting.
- Section 3:** Provides a detailed description of the project.
- Section 4:** Sets out the statutory planning requirements and resource consents required from the Wāipa District Council.
- Section 5:** Provides an assessment of environmental effects associated with the proposal.
- Section 6:** Sets out the statutory framework against which the resource consent applications have been made and considers the proposal in relation to the provisions of the RMA and the relevant statutory planning documents prepared by the Wāipa District Council, Waikato Regional Council and tangata whenua.
- Section 7:** Provides an overview of the consultation undertaken in respect of the proposal.
- Section 8:** Discusses the requested non-notification of this application.
- Section 9:** Is a concluding statement.

1.3 APPROACH TO THIS APPLICATION

3Ms lodged a resource consent application in December 2020, application number SP/0179/20, to subdivide its land with a layout that is different to that which is detailed in this application. Application SP/0179/20 was declined by the Independent Hearings Commissioners for various reasons but predominately relating to the layout of the subdivision not being in accordance with the C1 and C2/C3 Structure Plan (and therefore the proposal was deemed to be contrary of the objectives and policies of the Wāipa District Plan and as having more than minor adverse environmental effects).

In an acknowledgement of this decision, 3Ms has worked closely with the Wāipa District Council to develop a subdivision layout that is consistent with the Structure Plan (i.e. the main public assets are located within land owned by 3Ms). It is understood that the layout presented in this AEE addresses Wāipa District Council concerns, and also addresses the matters raised in the submissions opposing SP/0179/20.

It is noted that this collaborative relationship with Wāipa District Council has included land acquisition and purchase arrangements for the land on which public assets will be located.

The resource consent application and AEE for SP/0179/20 was supported by a number of technical assessments, which are held on Council file. The approach to the technical assessments detailed in this AEE is to present addendums to the original technical assessments which confirm that the conclusions reached in those original technical assessments are applicable to the updated subdivision layout, and where any conclusions or information is different.

2. ENVIRONMENTAL SETTING

2.1 SITE LOCATION AND KEY FEATURES

The application site is a property located on the northern side of Cambridge Road, west of Kelly Road and the Cambridge Town Centre.

Neighbouring properties along Cambridge Road comprise a combination of rural, commercial and residential and rural residential lifestyle properties.

Existing land use activities and development in the immediate surrounding area include:

- › Overdale Riding Centre to the west;
- › Cambridge Grains to the north east;
- › Cambridge Raceway to the north west; and
- › Existing residential development (along either side of Kelly Road) to the east.

The site is shown in Figure 1.



Figure 1. Aerial Photo of the Site

The application site is relatively flat (Figure 2), and as a result, no part of it is considered to be a high-risk erosion area. The site is also largely vacant with the exception of a small number of existing buildings located towards the south of the site. There is one dwelling on site, which is currently being used as the 3Ms project office.

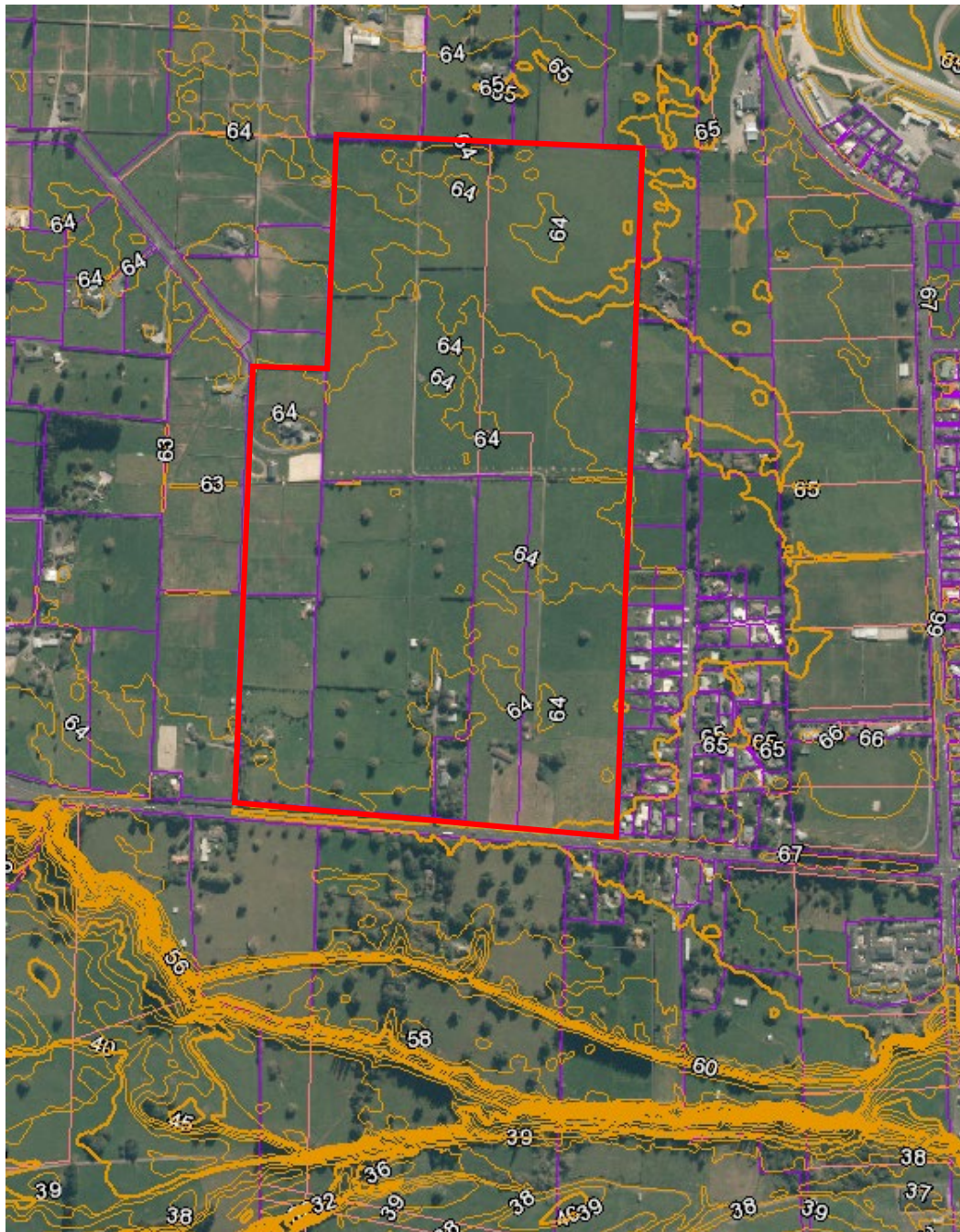


Figure 2. Contour Map (Source: WRC Contour Map - LiDAR Contours 1m)

2.2 VEGETATION

The proposed application site is covered in pasture. Furthermore, there are no identified “Significant Natural Areas” within or in the vicinity of the site.

2.3 HAZARDS

The site is not subject to any hazard areas (for example, river flooding, Karapiro Dam Break), as identified by the Waikato Regional Council.

As shown in Figure 3, the Wāipa District Council identifies the following potential hazards as applicable to the application site, or land immediately surrounding it:

- › **Peat Area** – is identified over the south-western corner of the application site;
- › **Poor Soakage** – is identified over the existing residential development immediately to the east of the site (in Kelly Road);
- › **Flood Hazard** is identified over an extremely small portion of land within the application site; and
- › **Filled Ground** is located immediately to the north-east of the application site (but outside of the proposed subdivision).

Please note that this map is from the “Environment - Special Features” maps on Wāipa Intramaps, therefore, is not a Wāipa District Plan Planning Map for rule assessment purposes.

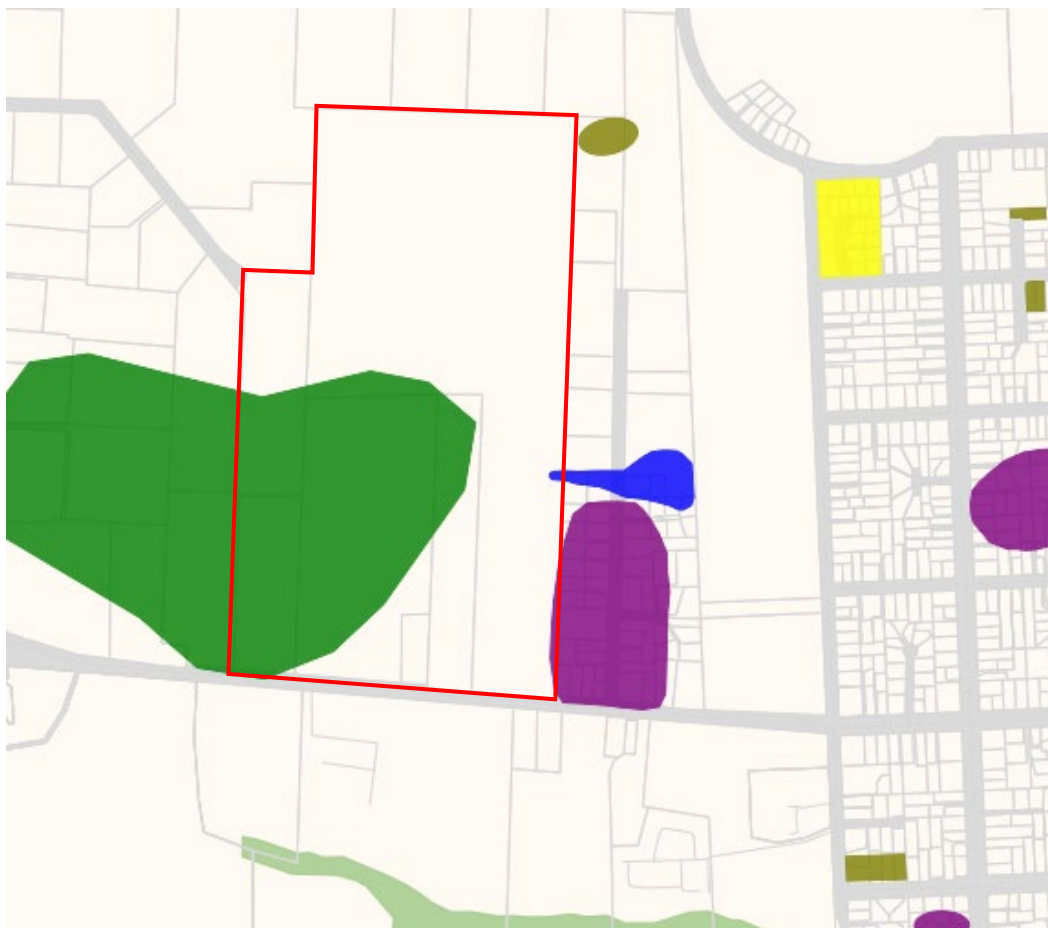


Figure 3. Hazards Map

Any relevant aspects relating to the peat area present on site were considered as part of earthwork activities and overall design. Other hazards areas identified are not applicable to the application due to their minimal overlap with the site.

2.4 SITE ACCESS

The development site has a single road frontage on Cambridge as the primary point of access to the south. The site is surrounded by neighbouring rural properties to the north and west and adjoin the existing Kelly Road residential development to the east.

2.5 DRAINAGE

Drainage for the site is provided through existing farm drains which discharge into the Waikato River via an existing culvert under Cambridge Road to the west of the site and stream to the south.

The 3Ms site is located within two existing catchments of approximately equal size which encompass a portion of the current Cambridge township and the growth cell areas of the future C1 extension.

The points of discharge for the existing Pukeroro Catchment is at Peake Road and through a culvert under the expressway to the north. The Waikato River Catchment (as per the Stormwater Management Plan for the area) is made up of several smaller sub-catchments that discharge to the river through several small tributaries. The largest of these, the main outfall for areas north of Cambridge Road, runs out to via the gully east of the Velodrome.

2.6 LAND USE INFORMATION REGISTER

The site is not identified by the Wāipa District Council as being on the Land Use Information Register and is not a potential HAIL site.

2.7 CULTURAL AND HERITAGE VALUES

There are no recorded cultural or heritage sites of significance within the site.

The Wāipa District Council and 3Ms have collaboratively engaged with Tangata Whenua regarding the development of the C1 and C2/C3 Growth Cells. This is culminated in the completion of a Tangata Whenua Statement and Engagement Report (prepare by Te Huia Natural Resources). This report is attached as **Appendix C** to this AEE.

Te Huia Ltd developed the Tangata Whenua Statement and Engagement Report to accompany resource consent applications to the Waikato Regional Council and Wāipa District Council. The report does not cover a wide scope of matters that decision-making authorities would expect in a Cultural Values Assessment (“**CVA**”). A CVA has already been completed for the entire C1 & C2/C3 Growth Cell area, so the report prepared by Te Huia

Natural Resources focusses on specific consents and activities related to subsequent stages of development for C1 & C2/C3.

The CVA which was commissioned by the Wāipa District Council sets out iwi values and positions in respect of the C1 and C2/C3 Growth Cells. The information in this section, in relation to mana whenua, is presented verbatim from the CVA and is presented in this AEE to provide recognition of the association hapu have with this area.

Mana whenua is described as the political and occupational authority over a particular area (Tau et al., 1990). Continuing mana whenua status is determined by whakapapa (genealogical ties) and secured by ahi kaa (continued occupation and resource use). Ngāti Korokī-Kahukura and Ngāti Hauā continue to practice ahi kaa and therefore have customary authority of the project area supporting the Cambridge and Hautapu.

Ngāti Korokī-Kahukura and Ngāti Hauā hold a spiritual relationship with these lands and resources, stemming from the loving union of the earthmother, Papatuaanuku, with the sky-father, Ranginui. Their embrace lead to a series of evolutionary processes which established a multitude of Atua (Gods) within the heavenly realm and terrestrial space, alongside children or creatures.

Ngāti Korokī-Kahukura and Ngāti Hauā have, and continue to accept the responsibilities of their natural ancestry which make them kaitiaki (guardians) of these deities to balance the relationship among the human realm, spiritual realm and the natural space of animals, vegetables, plants, insects, fish, birds, reptiles and minerals. Ngāti Korokī-Kahukura and Ngāti Hauā are tangata whenua of the project area and hold mana (rights, authority and control). They continue to occupy and acknowledge their affiliation and interests to the Cambridge and Hautapu area.

Ngāti Korokī-Kahukura and Ngāti Hauā are also established Iwi authorities, who are representative of their hapū and whānau in matters related to local and central Government, fisheries, aquaculture, farming, education, environmental, social and other affairs.

Each of the iwi have a responsibility to protect the natural resources, mahinga kai, and other values of the rohe for the benefit and use of those tribal members of Ngāti Korokī-Kahukura and Ngāti Hauā descent.

Ngāti Korokī-Kahukura te Iwi

Ngāti Korokī descends from the high chief Korokī, a descendant, 16 generations removed from Hoturoa, captain of the Tainui canoe. Ngāti Kahukura descends from the high chieftainess Kahukura, also a descendant 16 generations removed from Hoturoa. Joined together through common ancestry and lineage their descendants are Ngāti Korokī-Kahukura (Ngāti Korokī-Kahukura, 2017).

The ancestral tribal rohe of Ngāti Korokī-Kahukura spans from Southern Hamilton City, following the Waikato River to the northern end of Lake Arapuni, inland to western Te Awamutu and through again to southern Hamilton City encompassing Mount Maungatautari and many kaainga settlements. Korokī along with his allies conquered the Ngāti Kauwhata and Raukawa

under Taowhakairo taking control of the Maungatautari region and the stretch of the Waikato River from Arapuni northward to Te Parapara.

Ngāti Korokī-Kahukura has several hapū: Ngāti Waihoru, Ngāti Ueroa, Ngāti Huakatoa, Ngāti Houruamua, Ngāti Werewere and Ngāti Poorangi. All of these hapū lived around the base of Maungatautari and alongside various areas around the Waikato River.

Ngāti Hauā te Iwi

Hauā is the eponymous ancestor of Ngāti Hauā. His father Korokī married Tumataura and had two sons, Hape through whom Ngāti Korokī descend; and Hauā from whom Ngāti Hauā descends. Hauā (Ngāti Hauā), is the second son of Korokī and Tumataura. Hauā was a skilled warrior and leader. Hape and Hauā with the assistance of the nephew, Waenganui, laid claim to vast tracks of land in Morrinsville, Matamata and Hinuera areas. Their tribal estate borders the Hauraki tribes to the east, Raukawa to the south and across to Rukuhia in the west. Ngāti Hauā encompassed the lands and waters within the east and north of Maungatautari, in particular Tamahere, Tauwhare, parts of Hamilton City, Morrinsville up to Te Aroha across the kaimai ranges into Matamata and Hinuera.

2.8 TITLE INFORMATION

2.8.1 Records of Title

The application site comprises of six existing Records of Title as follows:

Table 1. Title Information

Address	Legal Description	Area	Owners
1881 Cambridge Road	Lot 2 DP 29023, Lot 1 DPS 75243 and Lot 1 DPS 31006 comprised in Record of Title SA56C/447	26.98ha	3MS of Cambridge GP Limited
1871 Cambridge Road	Pt Lot 1 DP 29023 comprised in Record of Title SA31C/268	3.593ha	
1863 Cambridge Road	Lot 1 DPS 85575 comprised in Record of Title SA68A/9	0.510ha	
1865 Cambridge Road	Lot 2 DPS 85575 comprised in Record of Title SA68A/10.	9.752ha	
1835A Cambridge Road	Lot 2 DPS 65222 comprised in Record of Title SA54D/529	4.01ha	Jeanette & Desmond Brough (under contract with 3Ms)
694 Grasslands Drive	Lot 5 DPS 87758 comprised in Record of Title SA69C/352	2.97ha	Ronald Gussey & Thea Gussey (under contract with 3Ms)

Address	Legal Description	Area	Owners
Total Area		47.82ha	

Copies of the Records of Title are included in **Appendix B**.

2.8.2 Legal Interests

There are a number of legal interests / encumbrances are registered on the existing Records of Title, and these are assessed in the application for subdivision consent SP/0136/20 (with a number of those seeking to be cancelled). As that subdivision consent is not being progressed by 3Ms, the easements will need to be cancelled by way of this application.

The following legal interests / encumbrances are registered on the existing Records of Title. Copies of the easement documents can be provided to the Council upon request.

Table 2. Legal Interests

Address	Legal Description	Legal Interest / Encumbrances
1881 Cambridge Road	Lot 2 DP 29023, Lot 1 DPS 75243 and Lot 1 DPS 31006 comprised in Record of Title SA56C/447	<p><i>Subject to Section 241 Resource Management Act 1991</i></p> <p>Comment: this amalgamation condition will need to be cancelled, please provide a s241 (3) certificate.</p> <p><i>S316513 Gazette Notice declaring State Highway No. 1 (Awanui-Bluff) fronting the within land to be a limited access road - 21.6.1965 at 9.00 am</i></p> <p>Comment: this will need to be cancelled, awaiting comments from NZTA.</p> <p><i>Subject to a right of way over part marked D on DPS 31006 specified in Easement Certificate H525373.5 - 18.5.1984 at 2.31 pm (affects Lot 1 DPS 31006)</i></p> <p><i>The easements specified in Easement Certificate H525373.5 are subject to Section 309 (1) (a) Local Government Act 1974</i></p> <p>Comment: this easement will become redundant and need to be cancelled. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>Titles affected:</p> <p>RT SA56C/447 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA31C/268 Owner: 3Ms of Cambridge (subject parcel).</p> <p><i>Subject to a right of way over part marked C on DPS 31006 specified in Easement Certificate H525373.6 - 18.5.1984 at 2.31 pm (affects Lot 1 DPS 75243)</i></p> <p><i>The easements specified in Easement Certificate H525373.6 are subject to Section 309 (1) (a) Local Government Act 1974.</i></p> <p>Comment: this easement will become redundant and need to be cancelled. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>Titles affected:</p> <p>RT SA56C/447 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA31C/268 Owner: 3Ms of Cambridge (subject parcel).</p> <p><i>Appurtenant hereto are rights of way and telecommunications and power rights specified in Easement Certificate B282670.8 - 7.7.1995 at 10.48 am</i></p>



Address	Legal Description	Legal Interest / Encumbrances
		<p><i>Some of the easements specified in Easement Certificate B282670.8 are subject to Section 243 (a) Resource Management Act 1991 (See DPS 70407)</i></p> <p>Comment: this easement is now redundant, and the 3Ms seeks that this be cancelled. Previously, this was utilised as an access to Racecourse Road to provide access to the Cambridge Jockey Clubs training facilities. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>Titles affected:</p> <p>RT SA31C/268 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/9 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA56C/447 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/10 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA56C/446 Owner: Gary Ian Alton (#59 Racecourse Road).</p> <p>RT SA56C/443 Owner: Irene Jane Patricia Stewart, Peter Frederick Stewart (#57 Racecourse Road).</p> <p><i>Subject to a right of way over part marked D on DPS 70407 created by Transfer B282670.9 - 7.7.1995 at 10.48 am (affects part Lot 1 DPS 75243)</i></p> <p><i>The easements created by Transfer B282670.9 are subject to Section 243 (a) Resource Management Act 1991 (affects CTs SA37B/665 and SA37B/666)</i></p> <p>Comment: this easement will become redundant and need to be cancelled. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>RT SA31C/268 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/9 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA56C/447 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/10 Owner: 3Ms of Cambridge (subject parcel).</p>
1871 Cambridge Road	Pt Lot 1 DP 29023 comprised in Record of Title SA31C/268	<p><i>S316513 Gazette Notice declaring State Highway No. 1 (Awanui-Bluff) fronting the within land to be a limited access road - 21.6.1965 at 9.00 am</i></p> <p>Comment: this will need to be cancelled, awaiting comments from NZTA.</p> <p><i>Appurtenant hereto is a right of way specified in Easement Certificate H525373.5 - 18.5.1984 at 2.31 pm</i></p>



Address	Legal Description	Legal Interest / Encumbrances
		<p><i>The easements specified in Easement Certificate H525373.5 are subject to Section 309 (1) (a) Local Government Act 1974</i></p> <p>Comment: this easement will become redundant and need to be cancelled. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>Titles affected:</p> <p>RT SA56C/447 Owner 3Ms of Cambridge (subject parcel).</p> <p>RT SA31C/268 Owner: 3Ms of Cambridge (subject parcel).</p> <p><i>Appurtenant hereto is a right of way specified in Easement Certificate H525373.6 - 18.5.1984 at 2.31 pm</i></p> <p><i>The easements specified in Easement Certificate H525373.6 are subject to Section 309 (1) (a) Local Government Act 1974</i></p> <p>Comment: this easement will become redundant and need to be cancelled. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>Titles affected:</p> <p>RT SA56C/447 Owner 3Ms of Cambridge (subject parcel).</p> <p>RT SA31C/268 Owner: 3Ms of Cambridge (subject parcel).</p> <p><i>B282670.3 Resolution pursuant to Section 243(f) Resource Management Act 1991 cancelling the right of way easement condition on DPS 31006 - 7.7.1995 at 10.48 am</i></p> <p>Comment: this is an annotation confirming partial cancelation of easements no action required.</p> <p><i>Appurtenant hereto is a right of way and telecommunications and power rights specified in Easement Certificate B282670.8 - 7.7.1995 at 10.48 am</i></p> <p><i>The easements specified in Easement Certificate B282670.8 are subject to Section 243 (a) Resource Management Act 1991</i></p> <p>Comment: this easement is now redundant, and 3Ms seeks that this be cancelled. Previously this was utilised as an access to Racecourse Road to provide access to the Cambridge Jockey Clubs training facilities. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>Titles affected:</p> <p>RT SA31C/268 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/9 Owner: 3Ms of Cambridge (subject parcel).</p>



Address	Legal Description	Legal Interest / Encumbrances
		<p>RT SA56C/447 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/10 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA56C/446 Owner Gary Ian Alton (#59 Racecourse Road).</p> <p>RT SA56C/443 Owner Irene Jane Patricia Stewart, Peter Frederick Stewart (#57 Racecourse Road).</p>
1863 Cambridge Road	Lot 1 DPS 85575 comprised in Record of Title SA68A/9	<p><u>S316513 Gazette Notice declaring No 1 State Highway to be a limited access road - 21.6.1965 at 9.00 am</u></p> <p>Comment: this will need to be cancelled, awaiting comments from NZTA.</p> <p><u>Appurtenant hereto is a right of way and power and telecommunications rights specified in Easement Certificate B282670.8 - 7.7.1995 at 10.48 am</u></p> <p><u>Some of the easements specified in Easement Certificate B282670.8 are subject to Section 243 (a) Resource Management Act 1991</u></p> <p>Comment: this easement is now redundant, and 3Ms seeks that this be cancelled. Previously this was utilised as an access to Racecourse Road to provide access to the Cambridge Jockey Clubs training facilities. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>Titles affected:</p> <p>RT SA31C/268 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/9 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA56C/447 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/10 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA56C/446 Owner Gary Ian Alton (#59 Racecourse Road).</p> <p>RT SA56C/443 Owner Irene Jane Patricia Stewart, Peter Frederick Stewart (#57 Racecourse Road).</p> <p><u>Appurtenant hereto is a right of way created by Transfer B282670.9 - 7.7.1995 at 10.48 am</u></p> <p><u>The easements created by Transfer B282670.9 are subject to Section 243 (a) Resource Management Act 1991</u></p> <p>Comment: this easement will become redundant and need to be cancelled. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>Titles affected.</p> <p>RT SA31C/268 Owner: 3Ms of Cambridge (subject parcel).</p>



Address	Legal Description	Legal Interest / Encumbrances
		<p>RT SA68A/9 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA56C/447 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/10 Owner: 3Ms of Cambridge (subject parcel).</p> <p><u>Appurtenant hereto is a right of way and a right to transmit electricity specified in Easement Certificate B578304.8 - produced 16.11.1999 at 10.54 am and entered 18.11.1999 at 9.00 am.</u></p> <p><u>Some of the easements specified in Easement Certificate B578304.8 are subject to Section 243 (a) Resource Management Act 1991 (See DPS 85575).</u></p> <p>Comment: this easement will become redundant and need to be cancelled. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>Titles affected:</p> <p>RT SA68A/9 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/10 Owner: 3Ms of Cambridge (subject parcel).</p> <p><u>B644416.1 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 1.2.2001 at 2.26 pm</u></p> <p>Comment: this will need to be cancelled, awaiting comments from NZTA.</p>
1865 Cambridge Road	Lot 2 DPS 85575 comprised in Record of Title SA68A/10.	<p><u>S316513 Gazette Notice declaring No 1 State Highway to be a limited access road - 21.6.1965 at 9.00 am</u></p> <p>Comment: this will need to be cancelled, awaiting comments from NZTA.</p> <p><u>Appurtenant hereto are rights of way, and telecommunications and power rights specified in Easement Certificate B282670.8 - 7.7.1995 at 10.48 am</u></p> <p><u>Some of the easements specified in Easement Certificate B282670.8 are subject to Section 243 (a) Resource Management Act 1991</u></p> <p>Comment: this easement is now redundant, and 3Ms seeks that this be cancelled. Previously this was utilised as an access to Racecourse Road to provide access to the Cambridge Jockey Clubs training facilities. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>Titles affected:</p> <p>RT SA31C/268 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/9 Owner: 3Ms of Cambridge (subject parcel).</p>



Address	Legal Description	Legal Interest / Encumbrances
		<p>RT SA56C/447 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/10 Owner: 3Ms of Cambridge (subject parcel).</p> <p>RT SA56C/446 Owner: Gary Ian Alton (#59 Racecourse Road).</p> <p>RT SA56C/443 Owner: Irene Jane Patricia Stewart, Peter Frederick Stewart (#57 Racecourse Road).</p> <p><i>Appurtenant hereto is a right of way created by Transfer B282670.9 - 7.7.1995 at 10.48 am</i></p> <p><i>The easements created by Transfer B282670.9 are subject to Section 243 (a) Resource Management Act 1991</i></p> <p>Comment: this easement will become redundant and need to be cancelled. Please provide a certificate pursuant to section 243 (e) of the RMA.</p>
		<p>RT SA31C/268 Owner 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/9 Owner 3Ms of Cambridge (subject parcel).</p> <p>RT SA56C/447 Owner 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/10 Owner 3Ms of Cambridge (subject parcel).</p> <p><i>Subject to a right of way over parts marked A, B and C and a right to transmit electricity over parts marked B and D on DPS 85575 specified in Easement Certificate B578304.8 - produced 16.11.1999 at 10.54 and entered 18.11.1999 at 9.00 am</i></p> <p><i>Some of the easements specified in Easement Certificate B578304.8 are subject to Section 243 (a) Resource Management Act 1991</i></p> <p>Comment: this easement will become redundant and need to be cancelled. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>Titles affected:</p> <p>RT SA68A/9 Owner 3Ms of Cambridge (subject parcel).</p> <p>RT SA68A/10 Owner: 3Ms of Cambridge (subject parcel).</p> <p><i>B644416.2 Certificate pursuant to Section 91 Transit New Zealand Act 1989 and from a Limited Access Road - 1.2.2001 at 2.26 pm</i></p> <p>Comment: this will need to be cancelled, awaiting comments from NZTA.</p>
1835A Cambridge Road	Lot 2 DPS 65222 comprised in	<p><i>S316513 Gazette Notice declaring No 1 State Highway to be a limited access road - 21.6.1965 at 9.00 am</i></p> <p>Comment: this will need to be cancelled, awaiting comments from NZTA.</p>



Address	Legal Description	Legal Interest / Encumbrances
	Record of Title SA54D/529	<p><u>H536647.4 Transfer declaring State Highway No 1 (Awanui-Bluff) fronting the within land to be a limited access road - 24.7.1984 at 11.15 am</u></p> <p>Comment: this will need to be cancelled, awaiting comments from NZTA.</p> <p><u>Appurtenant hereto is a right of way specified in Easement Certificate B213633.3 - 5.7.1994 at 10.46 am</u></p> <p>Comment: This easement currently provides access to 1835A Cambridge Road via 1835 Cambridge Road shown as A on DPS 65222. This easement can be cancelled when alternative road access is available. Please provide a certificate pursuant to section 243 (e) of the RMA.</p> <p>Titles affected:</p> <p>RT SA58C/131 Owner: Xiaofeng Jiang, Liping Yang</p> <p>RT SA54D/529 Owner: 3Ms of Cambridge (subject parcel).</p> <p><u>B379955.2 Certificate pursuant to Section 91 Transit New Zealand Act 1989 - 19.11.1996 at 11.57 am</u></p> <p>Comment: this will need to be cancelled, awaiting comments from NZTA.</p>
694 Grasslands Drive	Lot 5 DPS 87758 comprised in Record of Title SA69C/352	<p><u>Appurtenant hereto is a right of way specified in Easement Certificate B621604.5 - produced 16.8.2000 at 12.00 and entered 21.8.2000 at 9.00 am</u></p> <p>Comment: This is a reciprocal appurtenant right of way easement shown on DPS 87758 (Area F)</p> <p>Titles affected:</p> <p>RT SA69C/353 Owner: Tania Maree Ross</p> <p>RT SA69C/352 Owner: 3Ms of Cambridge (subject parcel).</p> <p>3Ms would like to cancel their appurtenant rights of F, please prepare the appropriate 243 (e) certificate for the partial cancellation.</p> <p><u>Subject to a right of way over part marked E on DPS 87758 specified in Easement Certificate B621604.5 - produced 16.8.2000 at 12.00 and entered 21.8.2000 at 9.00 am</u></p> <p>Comment: This is a reciprocal subject right of way easement shown on DPS 87758 (Area E)</p>



Address	Legal Description	Legal Interest / Encumbrances
		RT SA69C/353 Owner: Tania Maree Ross
		RT SA69C/352 Owner: 3Ms of Cambridge (subject parcel).
		No Action required.



2.8.3 Cancellation of Easements Summary

- › **Easement certificate H525373.5** shall be cancelled in its entirety at the consent holders expense. This condition shall be satisfied with the signing of a Section 243 Certificate.
- › **Easement Certificate H525373.6** shall be cancelled in its entirety at the consent holders expense. This condition shall be satisfied with the signing of a Section 243 Certificate.
- › **Easement Certificate B282670.9** shall be cancelled in its entirety at the consent holders expense. This condition shall be satisfied with the signing of a Section 243 Certificate.
- › **Easement Certificate B578304.8** shall be cancelled in its entirety at the consent holders expense. This condition shall be satisfied with the signing of a Section 243 Certificate.
- › **Easement Certificate B282670.8** shall be cancelled at the consent holders' expense. This condition shall be satisfied with the signing of a Section 243 Certificate.
- › **Easement Certificate B213633.3** shall be cancelled in its entirety at the consent holders expense. This condition shall be satisfied with the signing of a Section 243 Certificate.
- › **Easement Certificate B621604.5** cancellation of appurtenant rights as they relate to Lot 5 DPS87758. This condition shall be satisfied with the signing of a Section 243 Certificate.
- › **Easement Certificate H525373.5** shall be cancelled in its entirety at the consent holders expense. This condition shall be satisfied with the signing of a Section 243 Certificate.
- › **Easement Certificate H525373.6** shall be cancelled in its entirety at the consent holders expense. This condition shall be satisfied with the signing of a Section 243 Certificate.

2.9 OTHER RESOURCE CONSENTS

3Ms has obtained a land use consent from the Wāipa District Council to enable the earthworks associated with the full development of the site (LU/0166/20). Land use consent LU/0166/20 is for the “earthworks associated with the development of the 3M’s residential subdivision, including the future public assets and the school site”.

3Ms is also in the process of preparing resource consent applications for consents from the Waikato Regional Council to undertake construction related activities.

3. DESCRIPTION OF THE PROPOSAL

3.1 OVERARCHING 3MS DEVELOPMENT

The following figure provides an overview of the 3Ms development, noting that some of these areas (particularly the northern and western extents) are not being subdivided into lots as part of the present application, and will be the subject of a future subdivision application:

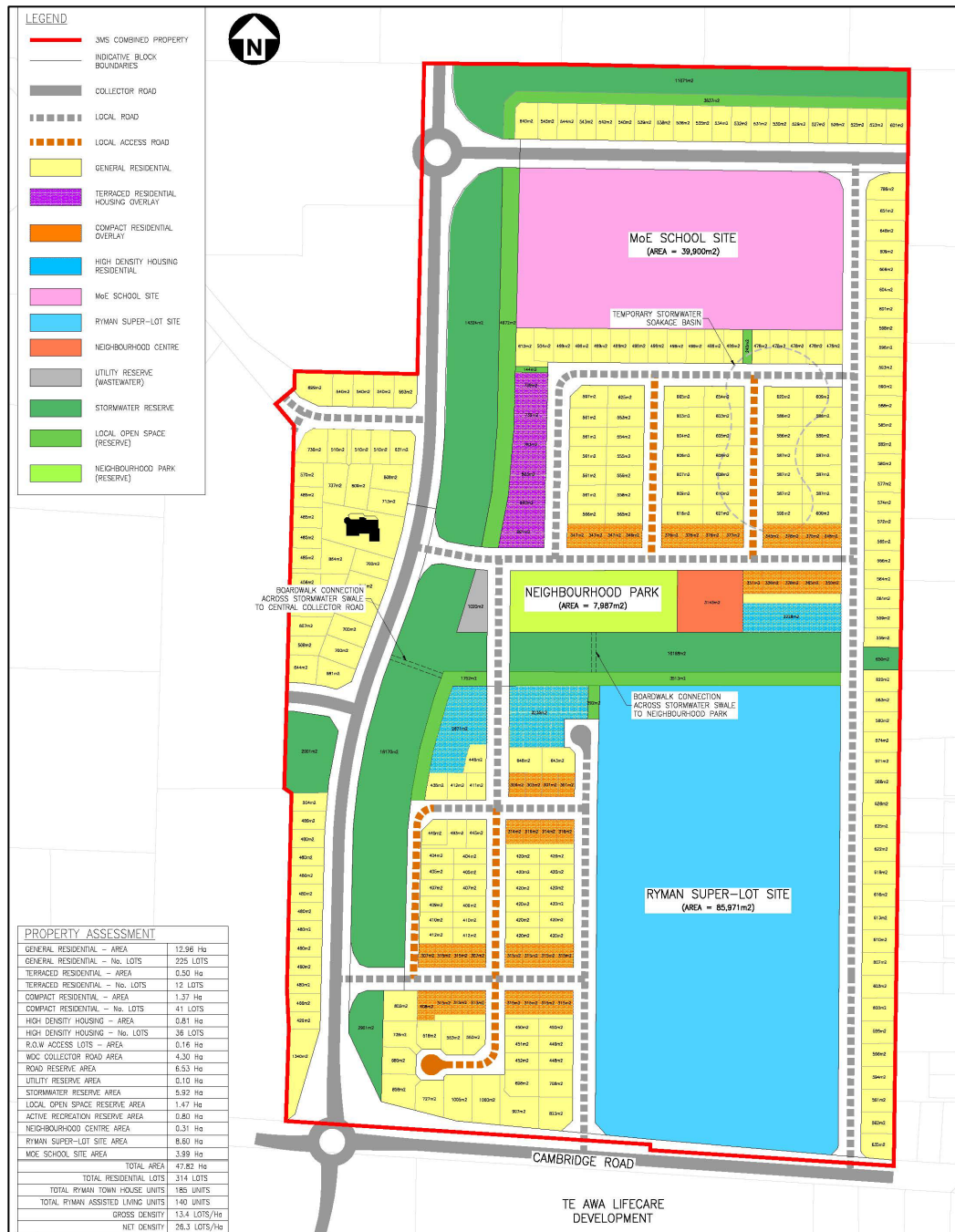


Figure 4. 3Ms Proposed Layout

3.2 PROPOSED SUBDIVISION

The applicant is applying for resource consent approval to subdivide their existing property (an area of approximately 47.8 hectares) to create 212 residential lots, around 23 lots to be vested in the Wāipa District Council and balance lots (that will be the subject of future resource consent applications) in the Cambridge C2 Structure Plan area.

Overall, the 3Ms development in its entirety will provide for provide for the following development activity:

- › Approximately 300 housing units;
- › A 4 hectare school site with a designation to accommodate up to 1,000 pupils long-term however the latest Ministry of Education advice is the site is expected to accommodate up to 300 pupils with commencement around 2024, with no current plan for further growth other than is aligned with population growth;
- › A super lot development intended for development as a retirement facility comprising a range of town houses, assisted living, hospital and rest home, and dementia care, a total of up to about 325 units;
- › A 0.3 ha neighbourhood centre; and
- › An area of recreation reserve, as well as lots to be vested for roads and utilities.

3Ms is proposing to progress the subdivision in two stages (with Stage 1 encompassing several sub-stages) which are broadly described as follows:

- › **Stage 1A:** Formation of a new T-intersection on Cambridge Road, together with minor road widening and establishment of a painted median and right-turn bay providing for access to and development of the superlot site (Lot 300) and 11 residential lots on the site's eastern boundary;
- › **Stage 1B:** Provision for extension of the new road north to facilitate a further 35 residential lots along the eastern boundary of the site and establishment of a proposed school on the site (Lot 310). This eastern road is intended as a local road, with traffic management measures to appropriately manage local traffic speeds to safe levels, and to integrate with the overall concept of the structure plan, deterring through traffic movement and supporting utilisation of the collector road by primary travel through the growth cell;
- › **Stage 1C:** Formation of a second T intersection west of the first one, on Cambridge Road to provide access to a small residential neighbourhood and also establishing secondary access to the superlot site. The works are to be associated with an extension of the Cambridge Road widening, painted median and right-turn bay. These are intended as interim access works for a relatively short period of time prior

to establishment of the Cambridge Road roundabout and collector Road. At the time of formation of these strategic points of access, this intersection is proposed to be finalized as a left-turn entry, left-turn egress intersection only;

- › **Stage 1D:** A minor extension of the Stage 1C residential neighbourhood to the north, providing for north-south and westerly connectivity with the collector road. Access to the full western edge of the superlot is established at this time. Together the Stage 1C and 1D areas are established as a well-integrated residential environment, where the local street network is configured to support local access movement only, avoiding potential local rat-run outcomes without further traffic management measures;
- › **Stage 2:** Predominantly subject to the construction of the Cambridge Road roundabout, Stage 2 comprises completion of the structure plan collector road within the application site, including integrated connectivity for future growth cells located to the west, north and east of the site. Additionally, as a mode filtering and local road traffic management measure to support principal access via the Cambridge Road roundabout, the 3Ms proposes to install a traffic management device that prevents traffic movements southbound on Road 10. The effect will be to maintain the function of Road 10 as a local road, reduce the demand on the right turn across Cambridge Road to the north and to direct traffic movements seeking to access Cambridge Road to the Collector Road resulting in an improved local road safety outcome.

Table 3 to Table 7 below provides a summary of the proposed new lots, including their intended use and respective areas. A copy of the Scheme Plan for the proposed subdivision is included as **Appendix D**, and shown in Figure 5 to Figure 10 of this report.

Table 3. The Proposed Lots – Stage 1A

Proposed Lot Number	Area	Stage	Purpose
1-11	582 m ² – 635 m ²	Stage 1A	Residential - General
300	8.5968 ha	Stage 1A	Super Lot – Third party future development (retirement village)
514	8441 m ²	Stage 1A	Road to Vest
519	4418 m ²	Stage 1A	Road to Vest
1000	33.26ha	Stage 1A	Balance Lot

Table 4. The Proposed Lots – Stage 1B (Subdivision of Lot 1000)

Proposed Lot Number	Area	Stage	Purpose
12 - 46	560 m ² – 781 m ²	Stage 1B	Residential - General
310	3.9907 ha	Stage 1B	School Site
500	651 m ²	Stage 1B	Road to Vest – it is proposed that this lot be utilised for stormwater management, walking pathways as well as a road. This local road is not required to service the 3Ms development and therefore it is anticipated that the development agreement will set out the requirements for Wāipa District Council to construct the road as and when development on Kelly Road occurs.
515	1.3098 ha	Stage 1B	Road to Vest
1001	25.81 ha	Stage 1B	Balance Lot

Table 5. The Proposed Lots – Stage 1C (Subdivision of Lot 1001)

Proposed Lot Number	Area	Stage	Purpose
47 - 51	448 m ² - 995 m ²	Stage 1C	Residential - General
52 - 55	315 m ²	Stage 1C	Residential – Compact residential
56 - 66	450 m ² – 1,052 m ²	Stage 1C	Residential - General
67 - 70	312 m ² - 410 m ²	Stage 1C	Residential – Compact residential
71 - 74	303 m ² - 315 m ²	Stage 1C	Residential – Compact residential
75 - 80	406 m ² - 412 m ²	Stage 1C	Residential – General
100 - 105	420 m ²	Stage 1C	Residential - General
106 - 109	315 m ²	Stage 1C	Residential – Compact residential
202 - 205	680 m ² - 855 m ²	Stage 1C	Residential - General
400	240 m ²	Stage 1C	Access Lot – Access for Lots 52-55

Proposed Lot Number	Area	Stage	Purpose
401	269 m ²	Stage 1C	Access Lot – Access for Lots 67-70
521	1.1625 ha	Stage 1C	Road to vest
1002	22.25 ha	Stage 1C	Balance Lot

Table 6. The Proposed Lots – Stage 1D (Subdivision of Lot 1002)

Proposed Lot Number	Area	Stage	Purpose
81 - 89	401 m ² – 445 m ²	Stage 1D	Residential - General
90 - 93	490 m ² – 494 m ²	Stage 1D	Residential – Compact residential
94 – 99	420 m ²	Stage 1D	Residential – General
110 - 115	410 m ² – 659 m ²	Stage 1D	Residential - General
116 - 119	300 m ² – 309 m ²	Stage 1D	Residential – Compact residential
301	2,628 m ²	Stage 1D	Super Lot – Future high density residential (to be the subject of a future land use consent)
302	2,277 m ²	Stage 1D	Super Lot – Future high density residential (to be the subject of a future land use consent)
403	240 m ²	Stage 1D	Access Lot – Access lot for Lots 90 – 93.
503	292 m ²	Stage 1D	Local Purpose Reserve to Vest - Accessway
516	9,991 m ²	Stage 1D	Road to vest
1003	19.43 ha	Stage 1D	Balance Lot

Table 7. The Proposed Lots – Stage 2 (Subdivision of Lot 1003)

Proposed Lot Number	Area	Stage	Purpose
120 - 128	336 m ² – 361 m ²	Stage 2	Residential – Compact residential
129 - 156	582 m ² – 655 m ²	Stage 2	Residential – General residential

Proposed Lot Number	Area	Stage	Purpose
157 - 164	346 m ² – 378 m ²	Stage 2	Residential – Compact residential
165 - 178	553 m ² – 625 m ²	Stage 2	Residential – General residential
179 - 184	739 m ² - 1,005 m ²	Stage 2	Super Lots – Future terraced housing (to be the subject of a future resource consent application)
185 - 201	478 m ² – 624 m ²	Stage 2	Residential – General residential
206 - 212	681 m ² – 2,434 m ²	Stage 2	Residential – General Residential
303	2223 m ²	Stage 2	Super lot – Future high density residential (subject of a future land use consent process)
304	3,143 m ²	Stage 2	Neighbourhood centre (will be the subject of a future land use consent process)
404	688 m ²	Stage 2	Access lot – Access for lots 120 - 124
501	1.0196 ha	Stage 2	Local purpose reserve (drainage) to vest
502	3,517 m ²	Stage 2	Local purpose reserve (open space) to vest
504	8,031 m ²	Stage 2	Recreation reserve to vest
505	1,740 m ²	Stage 2	Local purpose reserve (open space) to vest
506	962 m ²	Stage 2	Local purpose reserve (utility) to vest
507	1,934 m ²	Stage 2	Local purpose reserve (drainage) to vest
508	1.8138 ha	Stage 2	Local purpose reserve (drainage) to vest
509	2,912 m ²	Stage 2	Local purpose reserve (drainage) to vest
510	1.4583 ha	Stage 2	Local purpose reserve (drainage) to vest
511	4,932 m ²	Stage 2	Local purpose reserve (open space) to vest
512	145 m ²	Stage 2	Local purpose reserve (pedestrian access) to vest
513	240 m ²	Stage 2	Local purpose reserve (pedestrian access) to vest
517	1,161 m ²	Stage 2	Road to vest

Proposed Lot Number	Area	Stage	Purpose
518	2.5809 ha	Stage 2	Road to vest
520	2.2426 ha	Stage 2	Road to vest
522	8,525 m ²	Stage 2	Road to vest
600	7,585 m ²	Stage 2	Balance lot
601	1.8780 ha	Stage 2	Balance lot
602	2.5830 ha	Stage 2	Balance lot

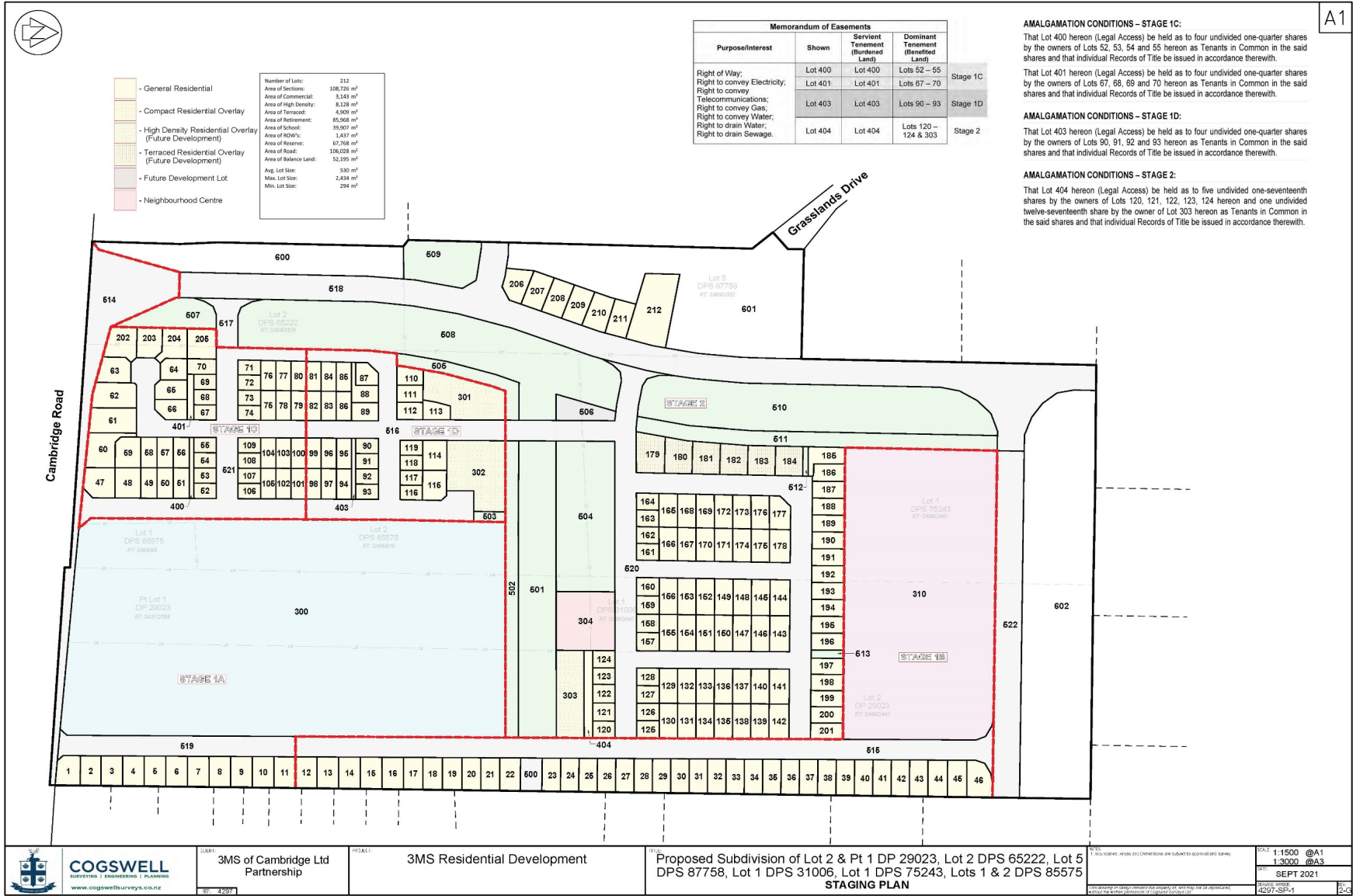


Figure 5. Staging Plan



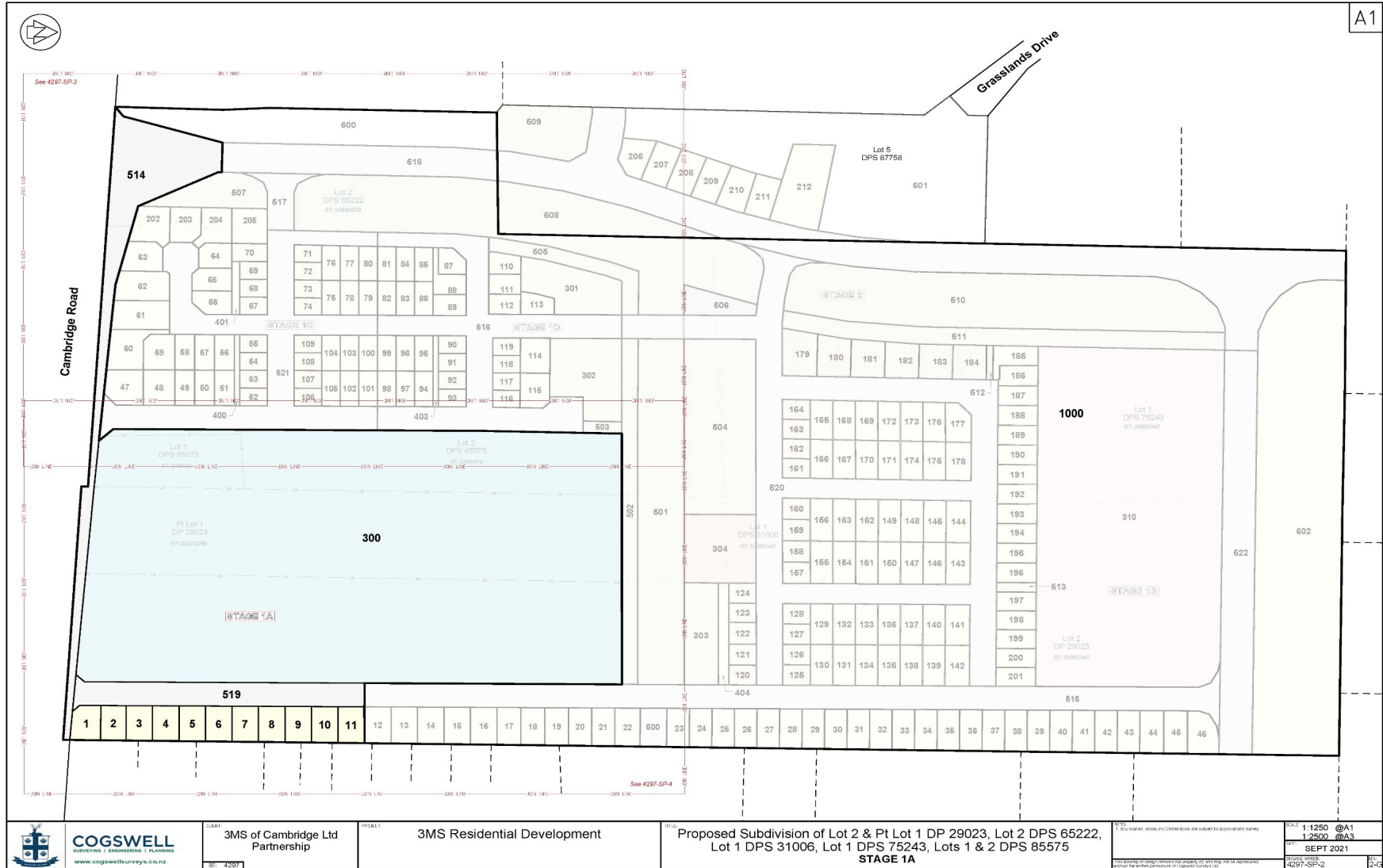


Figure 6. Scheme Plan – Stage 1A

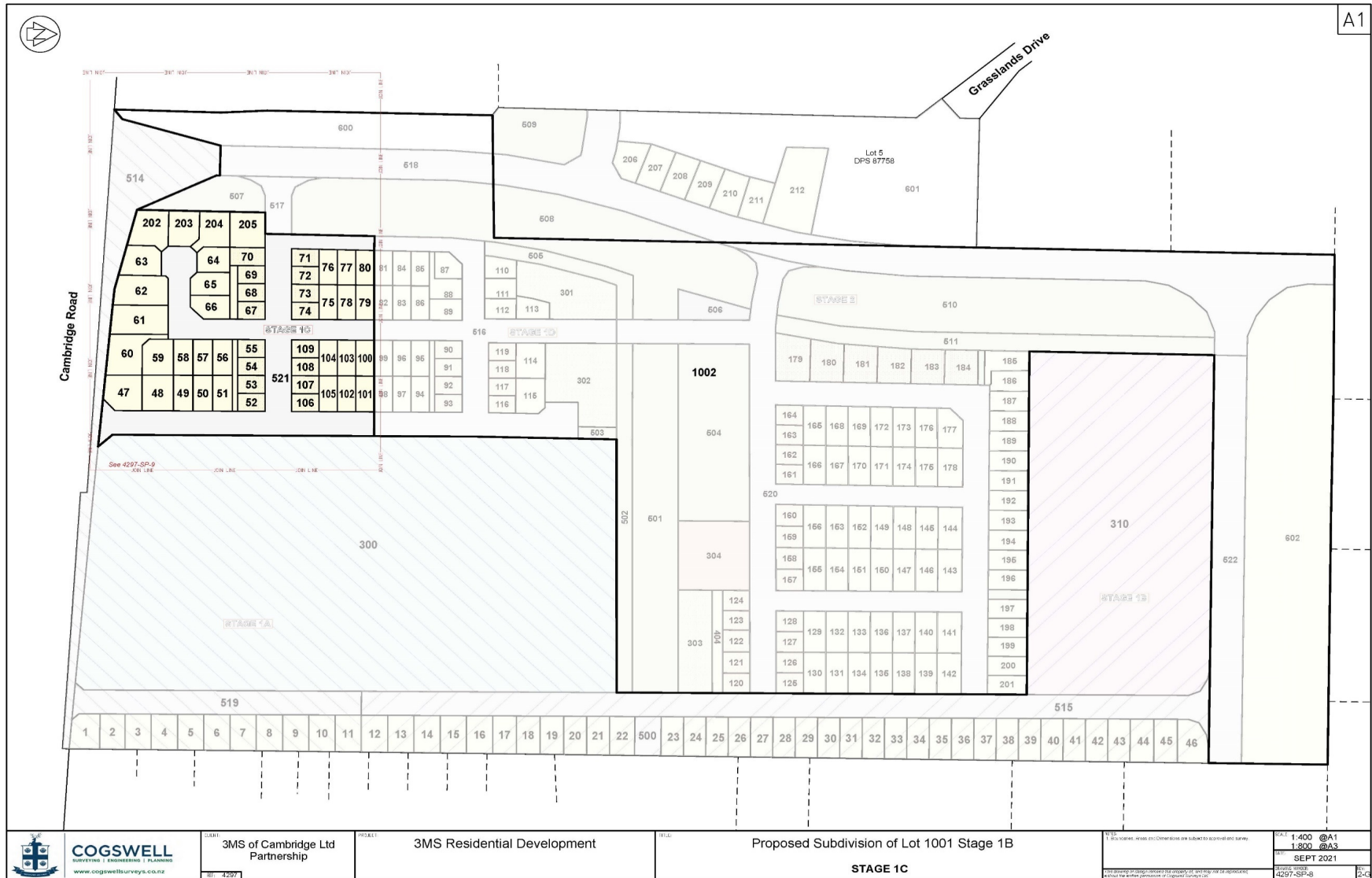


Figure 8. Scheme Plan – Stage 1C

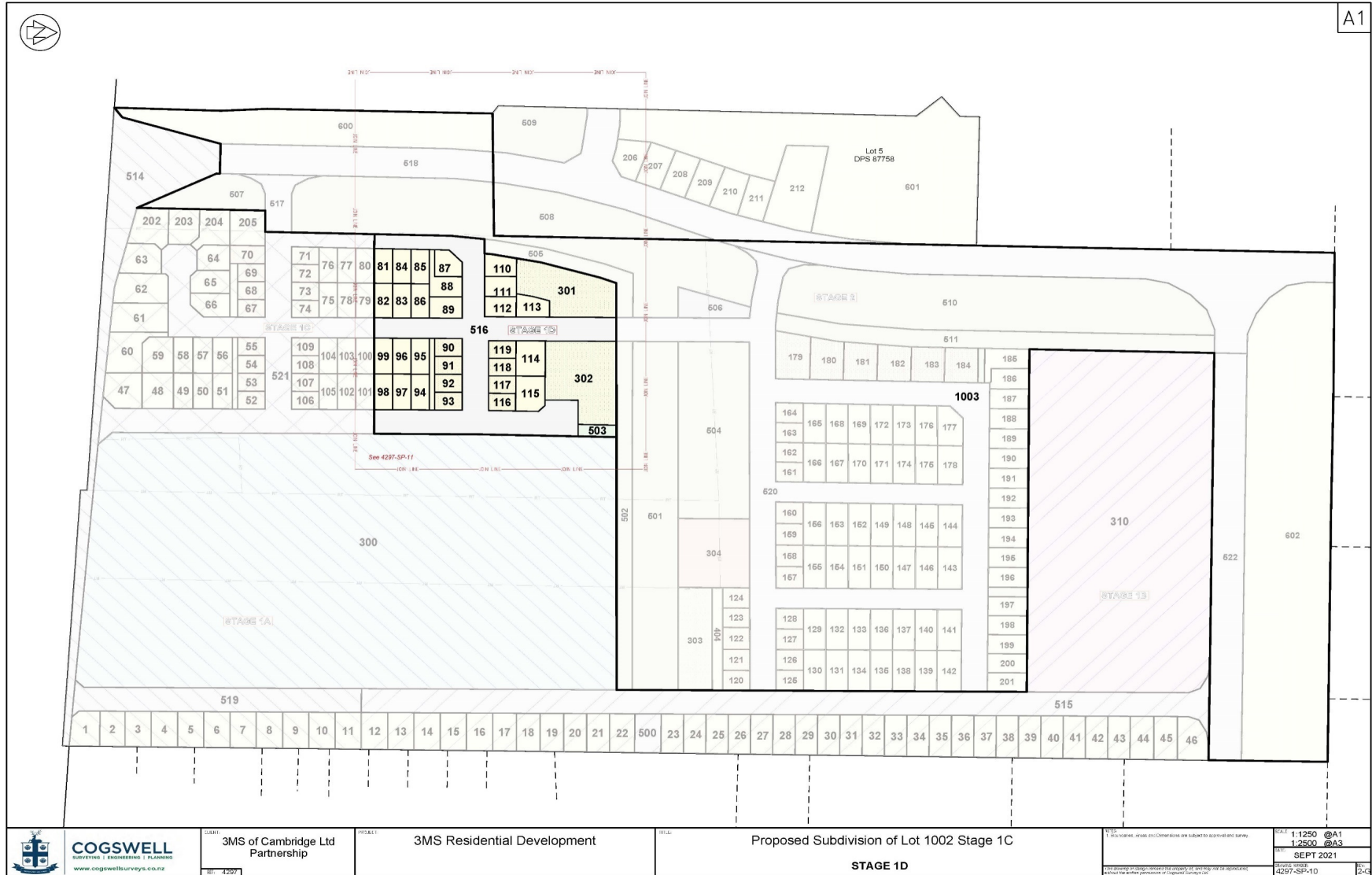


Figure 9. Scheme Plan – Stage 1D

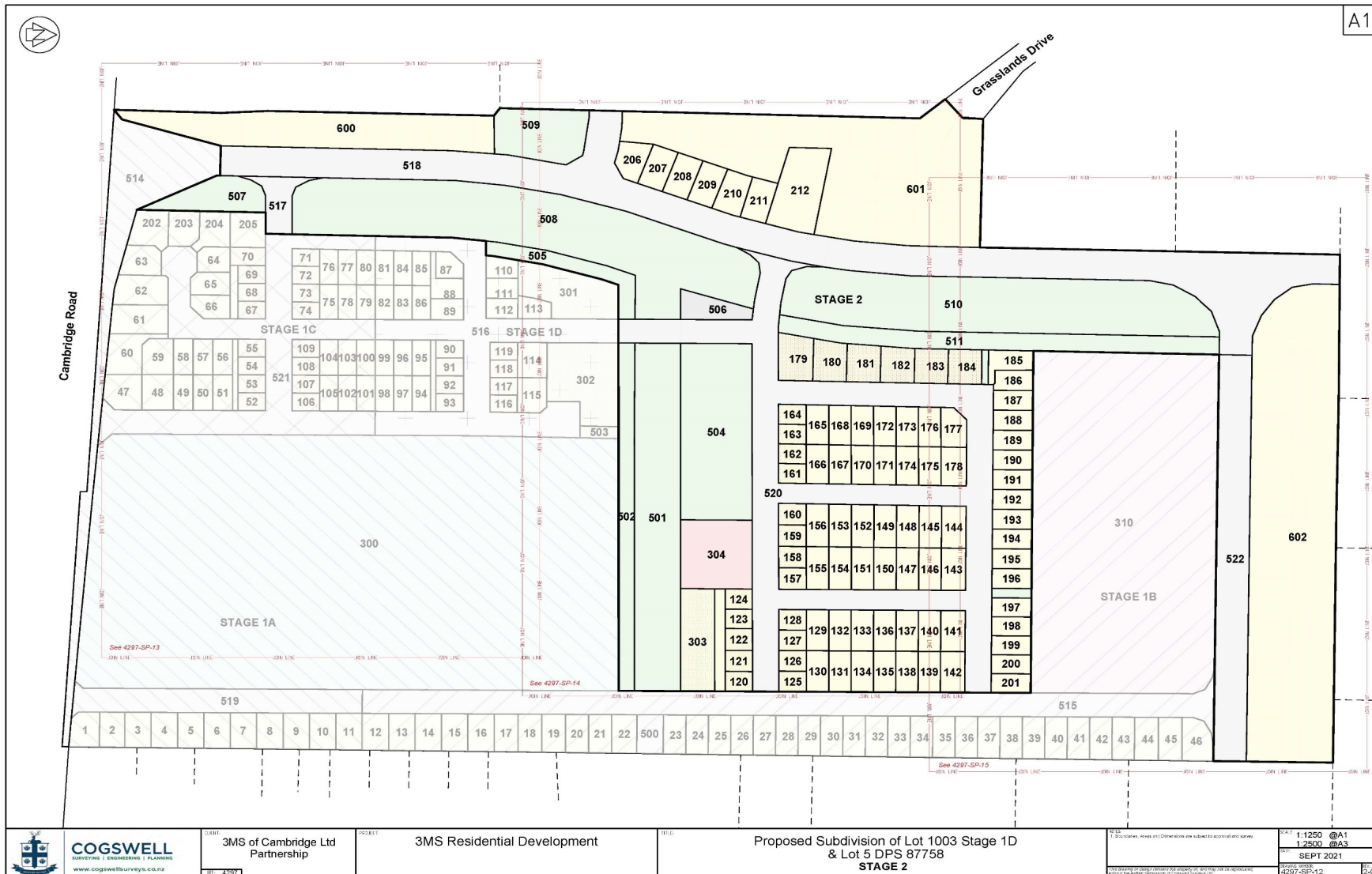


Figure 10. Scheme Plan – Stage 2

Application for Subdivision Consent for 3MS of Cambridge GP Limited – Cambridge Road, Cambridge

 www.cogswellsurveyors.co.nz	CLIENT 3MS of Cambridge Ltd Partnership	PROJECT 3MS Residential Development	TITLE Proposed Subdivision of Lot 1003 Stage 1D & Lot 5 DPS 87758 STAGE 2	NOTES 1. All values, areas and dimensions are subject to approval and survey.	SCALE 1:1250 @A1 1:2500 @A3 DATE SEPT 2021 DRAWN BY 4297-SP-12
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3.3 EASEMENTS

The memorandum of easements is detailed on the Scheme Plan, and also in the following table:

Table 8. Memorandum of Easements

Purpose / Interest	Shown as	Servient Tenement (Burdened Land)	Dominant Tenement (Benefitted Land)	Stage
Right of way	Lot 400	Lot 400	Lots 52 - 55	Stage 1C
Right to convey electricity				
Right to convey telecommunications	Lot 401	Lot 401	Lots 67 - 70	
Right to convey gas				
Right to convey water	Lot 403	Lot 403	Lots 90 - 93	Stage 1D
Right to drain water				
Right to drain sewage	Lot 404	Lot 404	Lots 120 – 124 and 303	Stage 2

3.4 INFRASTRUCTURE SERVICING

3.4.1 Introduction

The information in the following sections is summarised from the attached technical report, which were commissioned by 3Ms to determine how the proposed subdivision was to be serviced from a transportation and three waters perspective:

- › Stantec memorandum titled “C2 Structure Plan Area, Subdivision Consent Update Assessment – Traffic” (**Appendix E**); and
- › McCaffrey Engineering Consultants report titled “3Ms Residential Development – Engineering Design Statement”, which includes engineering plans of the development (**Appendix F**).

3.4.2 Transportation

3.4.2.1 Rooding Layout

The proposed rooding layout includes key local road connections providing linkages with the central C2 collector road on the western boundary of the site which is forms part of the wider structure plan. Road connections on the Cambridge Road frontage have also been developed to allow for a staged delivery which integrates with planned upgrades required as part of the structure plan network.

Key pedestrian and cycling routes and links through the 3Ms development have also been provided in accordance with the structure plan.

The following figure provide an overview of the proposed rooding layout.

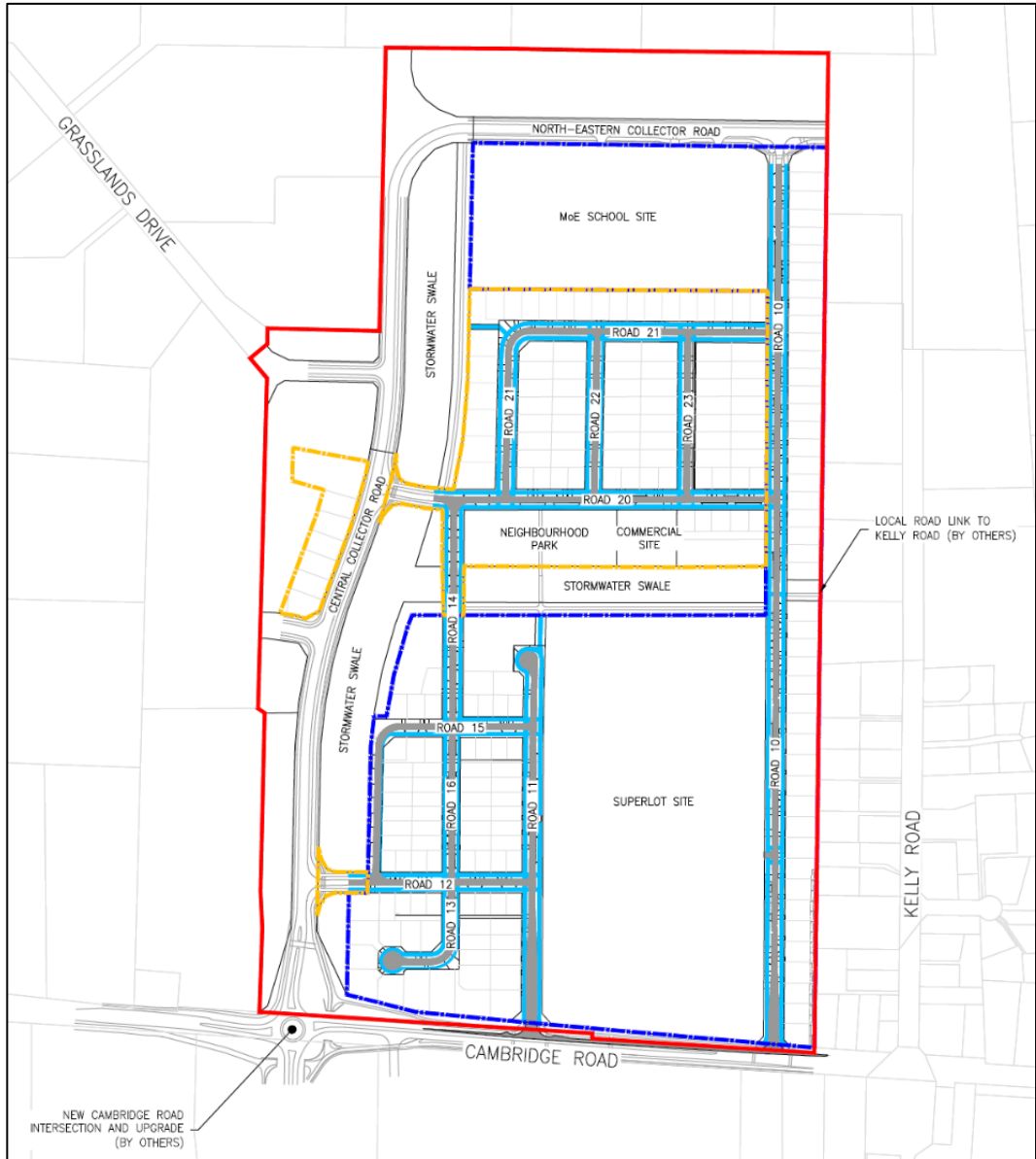


Figure 11. Proposed Roading Layout

3.4.2.2 Timing and Staging

The following describes how the transport infrastructure is proposed to align with staged delivery of land-use within the subdivision:

- › The Road 10 and 11 intersections with Cambridge Road are proposed to be formed as priority-controlled intersections in the first instance as part of Stage 1A; together with widening on Cambridge Road to establish a marked central painted median to safely accommodate turning movements. Simple at-grade intersections are proposed through the construction period to avoid potential damage and reconstruction of long-term final kerbs and raised table intersection forms;

- › Initial dwelling occupancy for Stage 1A is expected to be able to commence through the latter part of 2022, with the completed housing supply coming on incrementally through this period. The super lot (retirement village) occupancy is not expected until around the start of 2023;
- › The Stage 1B, 1C and 1D residential developments are expected to follow Stage 1A, with initial occupancy commencing from late 2022 or early 2023. The school activity is provided for construction to commence through 2023, and the Ministry of Education has indicated earliest occupancy is expected for the commencement of 2024;
- › Construction of the subdivision roading, the C2/C3 Cambridge Road roundabout and the final form of Cambridge Road upgrading works is programmed for the period mid-2022 to mid-2023.
- › Formation of the C2/C3 Cambridge Road roundabout and Cambridge Road upgrading works is planned to include the following:
 - Formation of the Road 10 and 11 intersections as raised table intersections;
 - Formation of a traffic management device to prevent through movements southbound on Road 10, at the intersection of Road 20;
 - Restriction of Road 11 to a left-in, left-out intersection form only. This includes establishment of a solid central median island across Road 11; and
 - Establishment of a signalised pedestrian crossing place approximately mid-way between the intersections and generally aligned with primary access for the Te Awa Retirement Village.

It is possible for the following to occur ahead of completion of the C2/C3 Cambridge Road roundabout and collector roads within the 3Ms development:

- › Stage 1A and 1B, which will be accessed independently from Road 10; and
- › Stages 1C and 1D which will be accessed independently from Road 11.

Stage 2 of the subdivision will proceed following the completion of the C2/C3 Cambridge Road intersection and collector road within the development.

3.4.2.3 Parking

In respect of parking, 219 on street parks will be provided across the development.

3.4.2.4 Multi-Modal Subdivision Design

Key multi-modal traffic management elements of the subdivision proposal that continue to be proposed include:

- › The whole of the local road network is proposed as a 40 km/h safe speed operating environment;
- › The operating speed environment however is planned to establish 40 km/h as a practical maximum operating speed with raised table devices at intersections and key pedestrian/cycle crossing points, together with some mid-block single lane opposing thresholds contributing to practical operational speeds in the order of 10 to 20 km/h in these locations;
- › Road 10 continues to be a necessary and practical local access road; however traffic management of its alignment establishes a significant constraint on through traffic management and supports the free-flowing access function provided by the collector road;
- › A high standard of off-road walking and cycling facilities, including safe speed crossing places is proposed;
- › The collector road continues to provide for future public transport servicing, meaning the whole of the subdivision areas is expected to be within a 400-metre walk of a public transport route; and
- › A walk / cycle link remains provisioned for, from about the mid-point along Road 10 east with Kelly Road. The corridor provision at that location is shown as 20 metres wide should its long-term function be intended to provide for a local traffic link as well.

3.4.3 Water Supply

A 200mm diameter bulk water supply will be constructed along the central collector road (within the 3Ms development). The 200mm diameter main will connect to the Wāipa District Council water supply on Cambridge Road at the south-east corner of the development. It will run up the eastern side of the development and connections to the greater C2 Growth Cell will be included at the northwest and northeast corners of the 3Ms development.

Additional water main connections will also be provided along the eastern side of the 3MS development for future C2 Growth Cell developments.

The expected domestic demand for the proposed development is as follows:

- › Average daily demand – 404.4 cubic metres per day;
- › Average daily flow – 4.68 litres per second; and
- › Peak flow – 23.4 litres per second.

The network will need to meet a fire flow demand of 39 litres per second.

The initial assessment of the connections servicing the development at peak fire flows show the development would require a minimum of two 150mm diameter connections to the Wāipa District Council bulk main. This would result in peak pipe velocities of approximately 1.5 metres per second in each connection. One of these connections will be upgraded to at least a 200mm diameter to accommodate additional supply to the greater C2 Growth Cell.

In summary, the proposed development can be serviced from a water supply perspective and will be integrated with the wider development proposed within the C2 Growth Cell.

3.4.4 Wastewater Reticulation

The 3Ms development will require piped reticulation to the Cambridge Wastewater Treatment Plant. The closest gravity network is located in Kelly Road. This is a small network with a small pump station pumping to the Cambridge network in Williams Street. This pump station and reticulation is not able to meet the flow demands from the 3Ms development.

It is therefore proposed that the 3Ms development be serviced by a gravity network to a central wastewater pump station that will discharge to a manhole within the wastewater network. The 3Ms wastewater pump station is also expected to service future developments within the C2 Growth cell as the terminal pump station.

3.4.5 Stormwater

Any development with the C1 and C2/C3 Growth Cells must be undertaken in accordance with the approved Stormwater Management Plan, Cambridge C1 and C2/C3 Infrastructure, Cambridge West – Pukeroro and Waikato River Catchments (WDC 2019) (“**SMP**”). The basis of the SMP proposes that primary networks within each development within the Growth Cells convey the 10-year storm events via piped reticulation to a large swale network. Larger storm events will be managed with overland flows contained within the road network discharging into the swale system. The swales will treat and convey stormwater up to the 100-year storm event. The swale network will end at Cambridge Road where stormwater will flow into pipes, ultimately discharging into the Waikato River. The final development will be undertaken in accordance with the SMP.

The proposed stormwater management approach for the 3Ms subdivision is as follows:

- › As the swale network, pipes and Waikato River Outfall will not be in place at the initial stages of the 3Ms development an interim stormwater management approach has been proposed, which relies on temporary soakage basins which will treat and manage storm events up to the 100-year event.
- › The primary and secondary flows will be designed to ultimately integrate with the proposed trunk swale network when they are commissioned. For the interim stages primary and secondary stormwater will be directed to the trunk swale locations. The bulk of the stormwater will then be diverted to the temporary soakage basin. The balance

of the interim stormwater will flow to a smaller soakage basin within the North / South Trunk Swale. This second basin will be shaped according to the trunk swale specifications and will ultimately form part of the North / South Trunk Swale when the trunk swale network is commissioned.

- › When the trunk swale network is completed the temporary diversion and temporary soakage basin will be decommissioned. Basin 1 will be filled in and Basin 2 will be planted as per the rest of the trunk swales.

3.4.6 Utilities

3Ms has been in discussions with the following parties in respect to utility services:

- › First Gas in respect of gas supply;
- › Wāipa Networks in respect of electricity distribution; and
- › Ultra Fibre in respect of internet connectivity.

All parties have confirmed that the site can be appropriately serviced.

3.5 SUITABILITY OF THE SITE

BTW Company was engaged by 3Ms to undertake a geotechnical assessment of the site to confirm that the property was suitable for the intended residential development. The geotechnical assessment is presented in the Engineering Design Statement Report (**Appendix F**) and concludes that the 3Ms site is suitable for the intended residential development.

4. ACTIVITY STATUS OF THE PROPOSAL

The following identifies the activity status of the subdivision activities that are the subject of this resource consent application.

4.1 WĀIPA DISTRICT PLAN

The RMA status of the activities relating to the proposed subdivision within the jurisdiction of the Wāipa District Council is determined by reference to the Wāipa District Plan.

4.1.1 Plan Change 13

As part of a general review of the Waipā District Plan, the Wāipa District Council identified a technical and legal issue with the current process of uplifting the Deferred Zones as outlined in Section 14 of the Wāipa District Plan. The main purpose of Proposed Plan Change 13 (“**PC13**”) is to update the Wāipa District Plan to reflect best practice with regards to the process of uplifting the Deferred Zone. Of particular importance to the current application, PC13 rezones the land within the C2 Growth Cell from Deferred Residential Zone to Residential Zone.

The decision on PC13 was released on 9 September 2021 which includes rezoning the application site to Residential Zone. This decision is not yet fully operative, given the appeal period has not closed. The subdivision related rules of both the Deferred Zone and the Residential Zone have been considered. Any subdivision within a Deferred Zone is a non-complying activity, whereas subdivision in a Residential Zone that complies with all relevant performance standards is a restricted discretionary activity. As detailed in the following sections, there are specific performance standards relating to subdivision within the the C1 and C2/C3 Growth Cells that are applicable whether the zoning is residential or deferred residential. Given that the proposed subdivision does not meet all of the performance standards applicable to the C1 and C2/C3 Growth Cells, the activity status is non-complying irrespective of the deferred or full residential zoning.

As such, the relative weighting of the zoning changes enshrined in the PC13 decision and the rule framework as it would apply to this subdivision if PC13 was operative is moot.

4.1.2 Zoning

The entire site, until PC13 is fully operative, is located in the Deferred Residential Zone and is subject to Cambridge C1 and C2/C3 Structure Plan. This is detailed below in Figure 12.

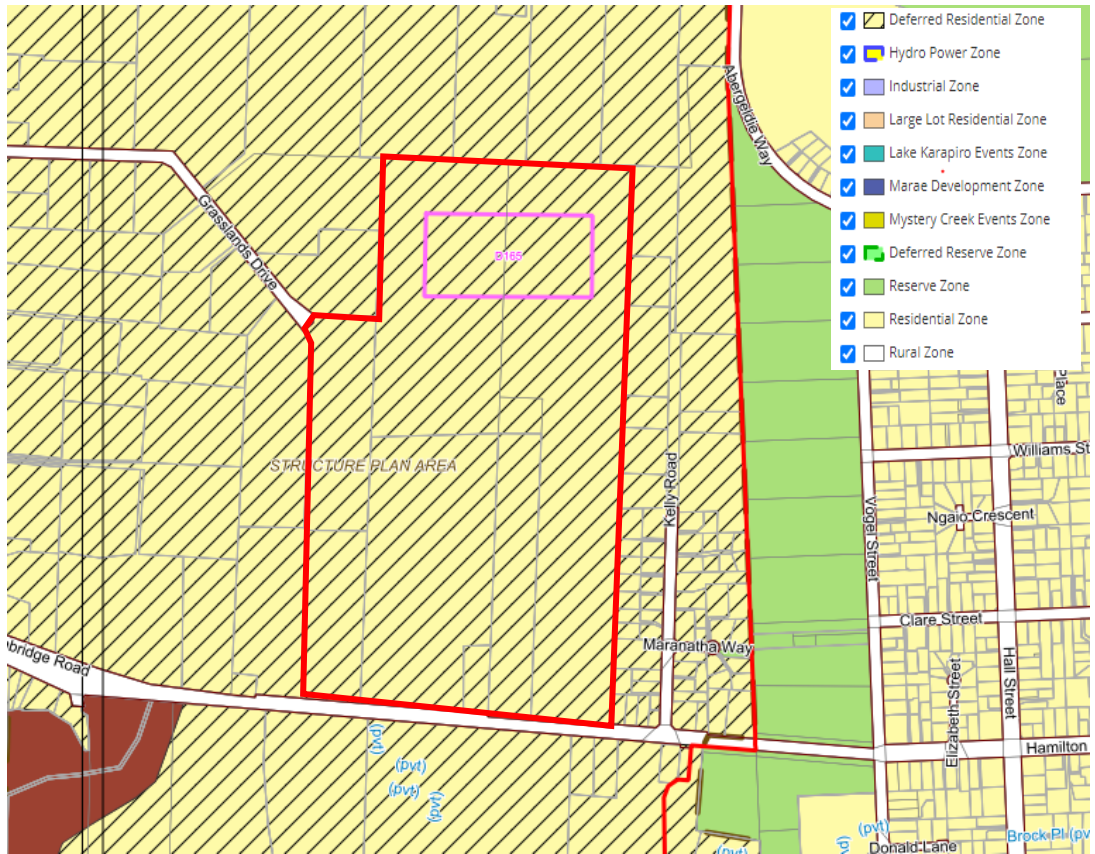


Figure 12. Zone Map

4.1.3 Policy Areas

The site is not within any identified overlays, shown in Figure 13.

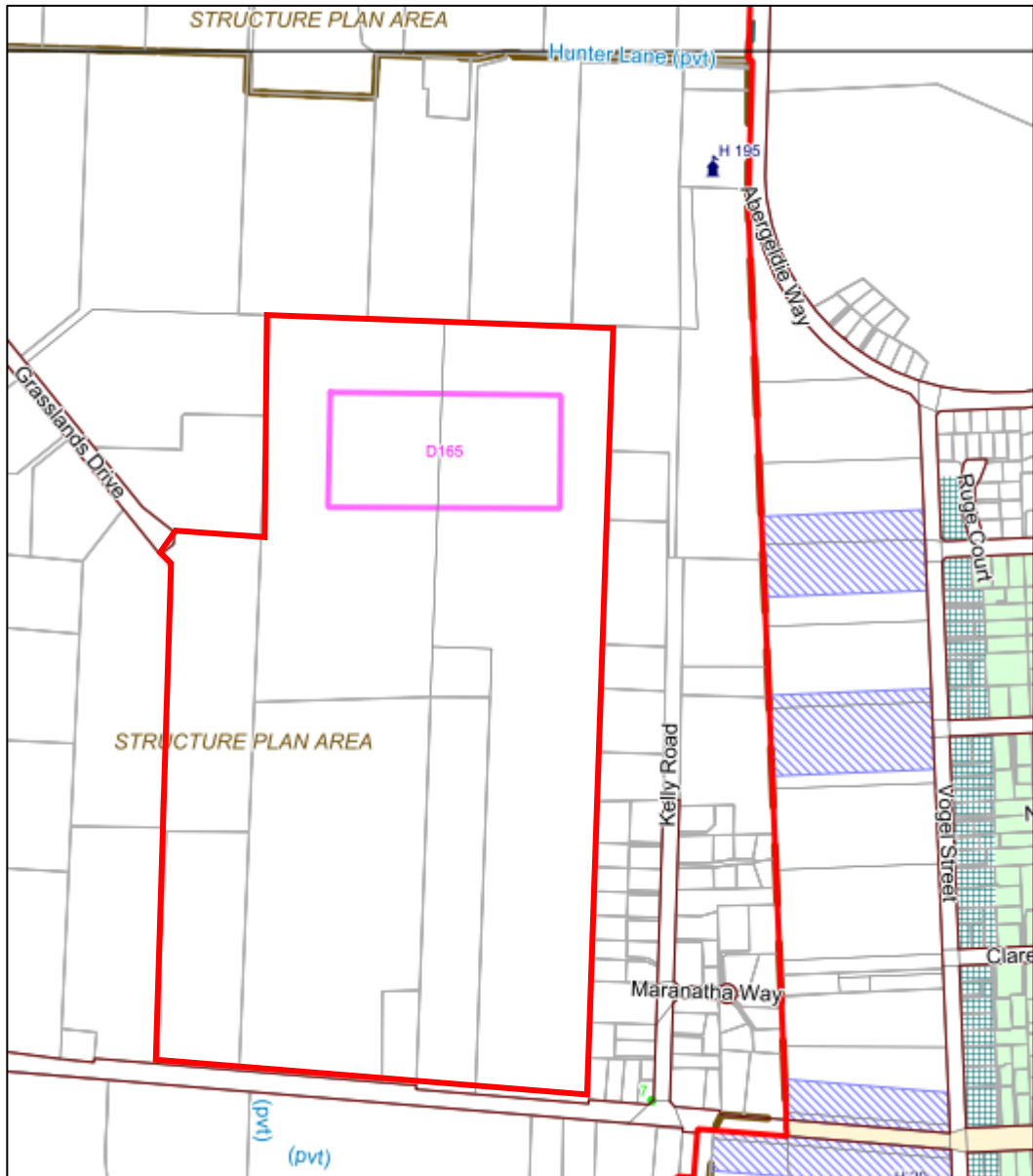


Figure 13. Policy Area Map

4.1.4 Wāipa District Plan Assessment

3Ms is not seeking land use consent as part of this application for subdivision consent. The application has therefore been assessed against the following subdivision-related provisions in the Operative Wāipa District Plan:

Part E – District Wide Provisions

- › Section 15 – Infrastructure, Hazards, Development and Subdivision
- › Section 16 – Transportation
- › Section 17 – Works and Utilities

Growth Management Structure Plans and Concept Plans

- › Appendix S19 – Cambridge C1 and C2/C3 Structure Plan

Appendices

- › Appendix T4 – Criteria for Public and Private Roads

4.1.4.1 Section 15 – Infrastructure, Hazards, Development and Subdivision

It has been assessed that the proposed subdivision requires resource consent in accordance with the following rules of Section 15 of the Wāipa District Plan:

- › **Rule 15.4.1.1(w)** – Subdivision in a Deferred Zone – All subdivision within a deferred zone is a **Non-Complying Activity**;
- › **Rule 15.4.2.1 (ac)** – Residential Subdivision in the C1 and C2/C3 structure plan areas as the minimum lot size is under 500m². The maximum lot area is larger than 1,000m², given the super lots being created. This component of the activity is a **Non-Complying Activity**;
- › **Rule 15.4.2.1 (ad)** - Comprehensive Residential Subdivision in the C1 and C2/C3 structure plan areas, in accordance with Rule 15.4.1.1 (e) and Rule 15.4.2.62 as the maximum lot area is larger than 1,500m² (given the super lots being created) and the minimum lot size is under 400m². This component of the activity is also a **Non-Complying Activity**;
- › **Rule 15.4.2.3** - Lot frontage, lot shape factor and vehicle crossings (all other zones) – **Discretionary Activity**;
- › **Rule 15.4.2.7** – Lot Design (new residential and large lot residential lots, other than corner lots, shall have frontage to only one road or street) – **Discretionary Activity**;
- › **Rule 15.4.2.13** – Site Suitability: General As the development is located in a Deferred Residential Zone, where the Rural Zone land use rules apply, the building platforms will not be able to comply with the setback or site coverage rules. However, the building platforms would likely be in a compliant location if the C1 and C2/C3 Growth Cells were zoned full Residential (as was anticipated through the Structure Plan process). Notwithstanding this, this component of the activity is a **Non-Complying Activity**; and
- › Rule 15.4.2.65 – Roads – **Discretionary Activity**.

4.1.1 Section 16 - Transportation

Section 16 of the Wāipa District Plan is also relevant to the proposal. **Rule 16.4.1.1 (a)** states that *Permitted, Controlled or Restricted Discretionary activities (b) to (j) shall comply with the performance standards of 16.4.2. Failure to comply with the performance standards of 16.4.2 will result in the activity being a discretionary activity or as specified in 16.4.2.*

The proposed subdivision does not comply with the following rules of the Transportation section of the Wāipa District Pan:

- › **Rule 16.4.2.2** - A road network must be designed so that a road connects to a road at the same level in the hierarchy, or directly above or below its place in the hierarchy - **discretionary activity**.
- › **Rule 16.4.2.5** - Minimum distance of a vehicle entrance (accessway) from an intersection or other entrance - **discretionary activity**.

4.1.4.2 Appendix S19 – Cambridge C1 and C2/C3 Structure Plan

It is considered that the 3Ms layout is in “general accordance” with the C1 and C2/C3 Structure Plan, as shown by the following figure.

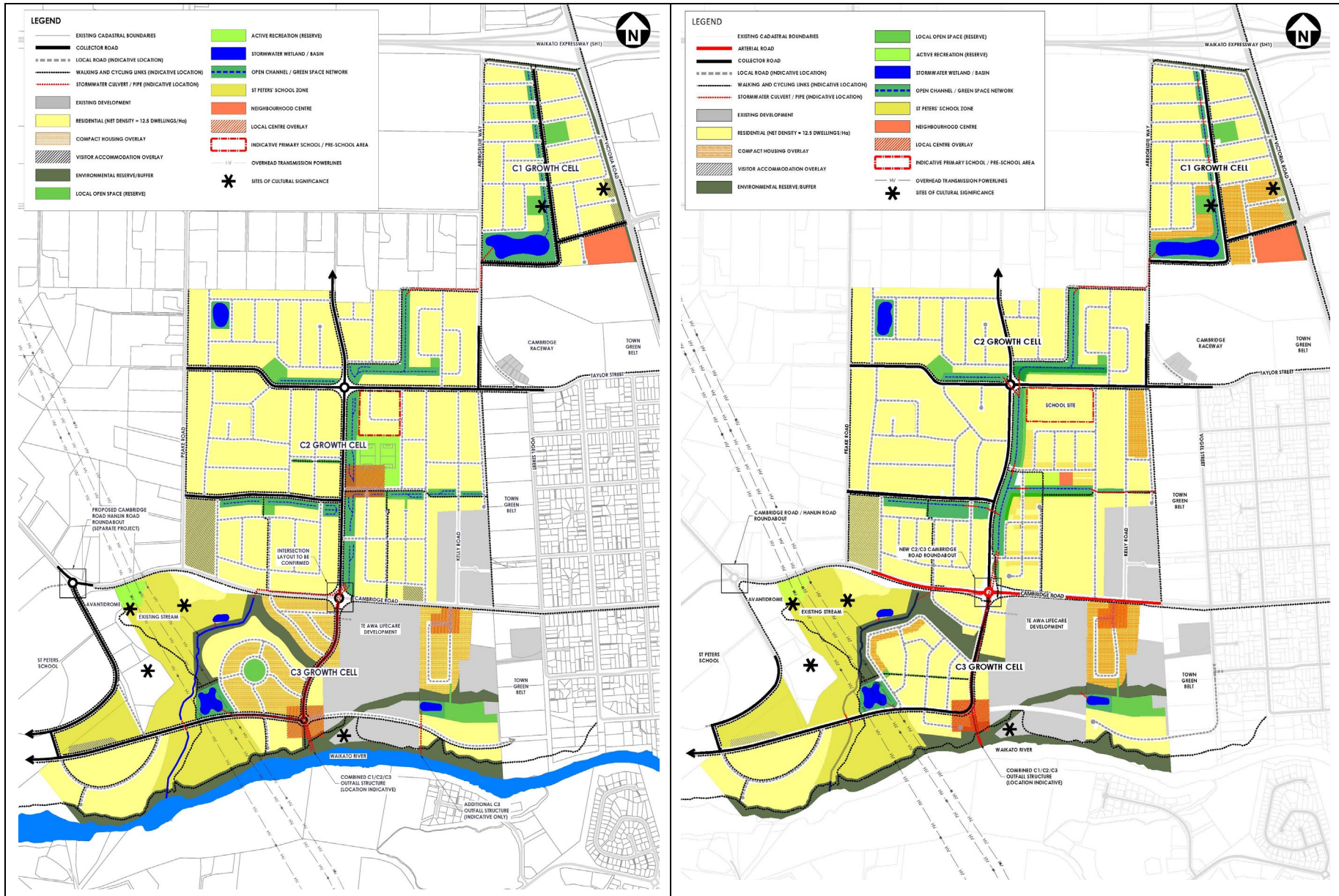


Figure 14. Structure Plan Comparison – Structure Plan (Left) and 3Ms Integrated Plan (Right)

4.1.4.3 Appendix T4 - Criteria for Public and Private Roads

Appendix 4 details the criteria for public and private roads, including the required:

- › Road reserve width;
- › Carriageway width;
- › Lane width;
- › Cycleway width;
- › Street parking widths;
- › Kerb / edging type;
- › Front berm, street tree, swale, lighting recessed parking and bus stops;
- › Foot path width; and
- › Utilities corridor

It is considered that the Residential Zone requirements are more appropriate for a development of this nature.

Collector Road

Does not comply with the requirements.

The proposed cross-section prepared by 3Ms provides a legal width that is consistent with the requirement for collector roads. Some cross-section elements differ, as the road has been designed with a stronger focus on cycling, because of the school.

Local Roads

Local roads are proposed to serve most of the subdivision.

The proposed cross-section provides a legal width of 20m rather than the standard of 21 metres. The cross-sectional features are generally consistent however there is once again a greater focus on cycling, with 3 metre shared paths being provided rather than a shared on-road environment.

The utilities corridor is also smaller than that which is required by the District Plan.

Local Road (Strategic Cycling Connection)

This road type is used on Road 11 which forms part of the north-south walking and cycling spine of the subdivision.



The proposed cross-section provides a legal width of 20 metres rather than the standard of 21 metres. The cross-sectional features are generally consistent however there is once again a greater focus on cycling, with 3m and 3.3m shared paths being provided rather than a shared on-road environment.

The difference in width relates to the width available for the utilities corridor.

Local Access Road

This road type is used in three locations, providing access to residential properties of varying densities.

The proposed cross-section provides a legal width of 17 metres rather than the standard of 21 metres. The cross-sectional features are generally consistent however there is once again a greater focus on cycling, with 3 metre shared path on one side rather than only a shared on-road environment.

The difference in legal width again relates to the width available for the utilities corridor.

Right of Way

There are a number of right of ways within the subdivision that will have a carriage width of 3 metres.

4.2 NATIONAL ENVIRONMENTAL STANDARDS FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the “**NES**”) apply if an activity or industry described in the Hazardous Activities and Industries List (“**HAIL**”) is undertaken, has been undertaken, or more likely than not, is being or has been undertaken on the land.

Clause 5(7) of the NES states:

“Land covered

- (7) The piece of land is a piece of land that is described by 1 of the following:
 - a) an activity or industry described in the HAIL is being undertaken on it:
 - b) an activity or industry described in the HAIL has been undertaken on it:
 - c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.”

In terms of clause 5(7)(a), (b) and (c) of the NES, the application site is a rural property that has been utilised for general farming activities in the past. There is no evidence to suggest that a HAIL activity is being undertaken, or has been undertaken, on the property.

Furthermore, it is more likely than not that a HAIL activity has not been undertaken on the subject property.

The site is not identified in the District Plan as a potential HAIL site, nor has the site been identified as a HAIL site by the Waikato Regional Council or on Wāipa intramaps. The provisions in Section 5(7) are therefore not applicable to application site or the proposed subdivision.

In summary, the provisions of the NES are not applicable to this application.

4.3 SUMMARY OF ACTIVITY STATUS

The following summaries the rules that the 3Ms proposal does not comply with:

- › Rule 15.4.1.1(w) – Subdivision in a Deferred Zone – Non-Complying Activity;
- › Rule 15.4.2.1 (ac) – Residential Subdivision in the C1 and C2/C3 structure plan areas – Non-Complying Activity;
- › Rule 15.4.2.1 (ad) - Comprehensive Residential Subdivision in the C1 and C2/C3 structure plan areas, in accordance with Rule 15.4.1.1 (e) and Rule 15.4.2.62 - Non-Complying Activity;
- › Rule 15.4.2.3 - Lot frontage, lot shape factor and vehicle crossings (all other zones) – Discretionary Activity;
- › Rule 15.4.2.7 – Lot Design – Discretionary Activity;
- › Rule 15.4.2.13 – Site Suitability: General – Non-Complying Activity;
- › Rule 15.4.2.65 – Roads – Discretionary Activity;
- › Rule 16.4.2.2 – Road Hierarchy - Discretionary Activity; and
- › Rule 16.4.2.5 - Vehicle entrance separation from intersections and other vehicle entrances – Discretionary Activity.

A bundling approach is applied to overlapping resource consent applications so that the most restrictive activity status is applied to all aspects of the same proposal. In this instance, the activities associated with the proposal are to be assessed overall as a **Non-Complying Activity**.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

The following assessment of environmental effects is focused on the matters that are relevant to the proposal and the relevant Assessment Criteria and Information Requirements in the Wāipa District Plan provisions that are applicable to the proposal.

The following effects have been identified, and are discussed below:

- › Positive effects;
- › Character and amenity effects;
- › Servicing effects; and
- › Effects related to changes in the Structure Plan spatial layout.

3Ms has proffered a set of proposed consent conditions, which are contained in **Appendix G**.

5.1 POSITIVE EFFECTS

The following are considered to be positive benefits of the 3Ms development:

- › **Delivery of residential sections to market** – the township of Cambridge, and the wider Wāipa District, continues to experience strong growth and continues to experience supply constraints around available residential sections. Completion of these works will assure that Cambridge meets its obligations under the National Policy Statement for Urban Development.
- › **Diversity of residential sections** – 3Ms is proposing a variety of section sizes to cater for residential dwellings for a range of socio-economic groups and age groups (i.e. medium density housing and individual house sites).
- › **Support local jobs** – delivery of these projects will bring public benefit through local employment, continuity of work for the local contractors and wider region. Benefits will go beyond the initial project construction through its vertical flow on effects across several key industry sectors. 3Ms anticipates that approximately 50 civil construction related local jobs will be created as a result of the development. A further 300 jobs will be created through the residential development itself (i.e. the building / construction sector).
- › **Provide the community a new school** - the subdivision will allow the Ministry of Education to commence work on a new Primary School for planned for Cambridge will cater for 700 - 1,000 primary students. The local primary schools' roles are currently at capacity and community schooling resources are oversubscribed. The new school will relieve the overcrowding and will bring a better balance and learning



opportunity to young students and accommodate the next phase of growth expected within the community.

- › **Increase community wellbeing** – the project will deliver significant community facilities which will support and enhance walking and cycling opportunities for the local community. A central reserve area and community spaces will support local sport along with the health and wellbeing of local residents.
- › **Provision of a playground** – the 3Ms proposal includes the creation of a playground creating a destination for the community.

In addition, housing suppliers have committed to delivering environmentally sustainable housing stock including some of the following features;

- › Potential reduced carbon footprint through solar powered dwellings;
- › More efficient homes through higher levels of home insulation; and
- › Conservation of water resources through rainwater capture for non-potable reuse within the home.

For the reasons outlined above it is considered that the proposal will have significant positive effects.

5.2 CHARACTER AND AMENITY EFFECTS

A subdivision of land does not create any actual or potential physical effects on the environment. It is only the land uses that might occur as a result of a subdivision that can cause effects. The specific land use matters will be considered at a later date, either via compliance with applicable permitted activity rules, or via a separate land use consent process.

In the present case, the use of the land once the subdivision is completed will be residential, in accordance with the zoning of the land as determined by PC13. The development will be unsurprising given the wider area has been earmarked for intensive residential development for many years.

For these reasons, the proposed subdivision is considered to positively contribute to the character and amenity of the area, and plays an important part in ensuring the character and amenity of the future residential development that is anticipated at the site, as set out in the C1 and C2/C3 Structure Plan.

For the reasons outlined above any effects on character and amenity are considered to be less than minor.



5.3 TRANSPORTATION EFFECTS

Stantec was engaged by 3Ms to provide a summary traffic assessment, by way of reference to the comprehensive assessments that have formed part of the previous application and evidence in relation to traffic planning for the C2 Structure Plan area. In preparing the further assessment for the purposes of this current subdivision consent application, reference is made to the following documents:

- › Stantec Transportation Assessment Report dated 2 December 2020;
- › Stantec S92 Assessment letter dated 6 April 2021;
- › Statement of Evidence of Mark Apeldoorn dated 11 May 2021;
- › Summary and Supplementary Statement of Evidence of Mark Apeldoorn dated 26 May 2021; and
- › The applicant's related reporting on the same as is relevant and applicable.

Based on the transportation assessments that have been undertaken, Stantec concludes:

The assessments that are set out describe the subdivision proposal and its alignment and delivery in terms of the transport outcomes envisaged by the structure plan. The assessment identifies a range of design and mitigation measures and for these to be stage implemented, aligning the land-use development staging with necessary transport infrastructure. For these reasons it is assessed as necessary to establish transport conditions to align the works and activities with the effects outcomes as have been described.

Overall, it has been assessed the subdivision effects, subject to the conditions that follow, will be less than minor. Further, it is also concluded the vision, goals and objectives established for the structure plan will be achieved by the form, location, structure and the multi-modal transport levels of service the subdivision proposal intends.

It is therefore concluded the subdivision proposal is aligned with the objectives and goals for the structure plan; and also the potential transport effects, subject to the transport mitigation measures and conditions will be less than minor. On these bases it is concluded there are no transport reasons why the subdivision proposal cannot be consented.

5.4 SERVICING RELATED EFFECTS

As detailed in section 3 of this AEE, the 3Ms development can be appropriately serviced in an efficient and affordable manner, and in a manner in general accordance with the C1 and C2/C3 Structure Plan.

5.5 SUMMARY OF ENVIRONMENTAL EFFECTS

Based on the technical assessments commissioned by 3Ms, and with adherence to the proposed consent conditions (set out in **Appendix G**) it is considered that adverse effects of the proposal will be less than minor. The proposal will have significant positive effects for Cambridge and the wider community.



6. STATUTORY ASSESSMENT

6.1 INTRODUCTION

The RMA is the principal statutory document governing the use of land, air, and water. The purpose of the RMA, as set out in Section 5, is to “promote the sustainable management of natural and physical resources”. This section of the AEE sets out the framework under the RMA that applies to the subdivision consent being sought from the Wāipa District Council.

6.2 REQUIREMENTS OF A CONSENT APPLICATION

Section 88 of the RMA requires that an application for a resource consent be made in the prescribed form and manner, and include, in accordance with Schedule 4, the information relating to the activity, including an assessment of the activity's effects on the environment, as required by Schedule 4.

The resource consent application in Part A of this AEE is in the prescribed form, as set out in Form 9 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003. Wāipa District Council's Consent Application Form has also been completed (**Appendix A**).

By way of summary, the AEE meets the requirements of Schedule 4, and the requirements of section 88 of the RMA.

6.3 SECTION 104D ASSESSMENT

As a Non-Complying Activity, the application must be considered under section 104D of the RMA, and in particular what are known as the ‘gateway’ tests. In accordance with section 104D Council must only grant consent if either subsection 1(a) ‘the adverse effects of the activity on the environment will be minor’; or 1(b) ‘will not be contrary to the objectives and policies of relevant plans and proposed plans in respect of the locality; is met.

104D Particular restrictions for non-complying activities

- (1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
 - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
 - (b) the application is for an activity that will not be contrary to the objectives and policies of—
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or



- (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.
- (2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

In respect of section 104D(1)(a) an assessment of the actual and potential environmental effects associated with the proposed activities is provided in Section 5 of this AEE. Overall, it is concluded that any adverse effects of the proposal on the surrounding environment will be less than minor. The application therefore passes this gateway.

The objectives and policies of the Wāipa District Plan (being the relevant plan for the purpose of Section 104(1)(b) of the RMA) are assessed further in this AEE. As is noted subsequently, it is concluded that the proposal is consistent with the objectives and policies relating to the Deferred Zone, in which the key objectives and policies require that development not compromise the future zoning and development of the land. As this proposal seeks consent for residential subdivision, and the future zoning is residential, it is considered that this proposal is inherently consistent with the relevant objectives and policies. The objectives and policies relating to the Rural Zone are not relevant to the intended use of the land (as set out in the Wāipa District Plan) and, on that basis, no weight should be placed on those provisions in the assessment of the current application.

In light of the above, section 104D of the RMA is not considered to be an impediment to the granting of the resource consent for the proposed activities and it can be further considered under section 104 of the Act. In this regard, both 'gateway' tests in section 104D are able to be passed, and the application may be considered under the provisions of section 104 of the RMA.

6.4 SECTION 104 ASSESSMENT

Section 104 of the RMA lists the matters that a consent authority must, subject to Part 2, have regard to in determining whether a resource consent application should be granted. It states:

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
 - (b) any relevant provisions of—



- (i) a national environmental standard;
 - (ii) other regulations;
 - (iii) a national policy statement;
 - (iv) a New Zealand coastal policy statement;
 - (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- (2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.
- (2A) When considering an application affected by section 124 or 165ZH(1)(c), the consent authority must have regard to the value of the investment of the existing consent holder.

The matters for consideration under section 104 of the RMA are assessed in the following subsections.

6.4.1 Section 104(1)(a) Assessment - Actual and Potential Effects

With respect to section 104(1)(a) of the RMA, the actual and potential effects on the environment of the proposed activities are set out in Section 5 of this AEE. As concluded in that section, 3Ms considers that all actual and potential adverse effects can be appropriately avoided, remedied, or mitigated to the extent that any residual effects will be less than minor.

6.4.2 Section 104(1)(ab) Assessment – Offset or Compensatory Measure

Given that this proposal is for a subdivision consent, and will result in significant positive effects, no specific offsetting or compensation measures are proposed.

It is noted, however, that 3Ms will be contributing \$1 million towards the playground within the development site.

6.4.3 Section 104(1)(b) Assessment – Policy and Planning Documents

With respect to section 104(1)(b) of the RMA the following documents are considered to be of relevance to the proposal:

- › The Vision and Strategy for the Waikato River;
- › National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;



- › National Policy Statement on Urban Development;
- › Waikato Regional Policy Statement; and
- › Wāipa District Plan.

Each are discussed in turn.

6.4.3.1 Vision and Strategy for the Waikato River

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 inserted the Vision and Strategy for the Waikato River (the “**Vision and Strategy**”) into the (then) operative RPS.¹ The Vision and Strategy prevails over any inconsistent provisions in a national policy statement.

The Vision and Strategy applies to the area of the Waikato River from Huka Falls to Te Puuaha o Waikato (Port Waikato) and the Wāipa River from its junction with the Punui River to its confluence with the Waikato River at Ngaruawahia. This area includes the Hautapu site.

The Vision for the Waikato River is:

“... for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.”

There are 13 objectives included to realise the above Vision, 12 strategies to achieve those objectives and 18 methods to implement those strategies.

Of these provisions, it is the 13 objectives which contain the desired outcomes for the management of the Waikato River.

A key point to note is that the Vision and Strategy provides an additional consideration for decision-makers assessing any resource consent application relating to the Waikato River. There is an obligation on decision-makers under section 18 of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 and section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 to have “particular regard” to the Vision and Strategy in their decision-making (and the Vision and Strategy refers, amongst other things, to restoring and protecting the health and wellbeing of the Waikato River). This

¹ The Vision and Strategy was also included in the notified version of the Proposed (now operative) RPS. This meant that the RPS progressed through the submission and hearing process with the Vision and Strategy being reflected in many of the provisions of the RPS.



obligation to have “particular regard” must be considered along with the decision-maker's other duties under section 104 and Part 2 of the RMA.

By way of summary, the Vision and Strategy has been fully considered during the formulation of this proposal. It is considered that the proposal will not impact on the ability for the objectives of the Vision and Strategy being achieved.

6.4.3.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

As discussed earlier, given that the site has not been identified as a HAIL site, it is considered that the ‘piece of land’ referred to in the NES does not include the subject property and therefore the NES is not applicable.

6.4.3.3 National Policy Statement on Urban Development Capacity

Introduction and Application

The National Policy Statement on Urban Development 2020 (“**NPS-UD**”) came into effect on 20 August 2020. It replaced the National Policy Statement on Urban Development Capacity 2016 (“**NPS-UDC**”).

The NPS-UDC required councils to improve planning processes to enable more development. The NPS-UD gives further direction in certain areas, such as where development capacity should be provided and how councils can be more responsive to development opportunities.

The NPS-UD 2020 recognises the national significance of:

- › having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and
- › providing sufficient development capacity to meet the different needs of people and communities.

The NPS-UD is also designed to support and contribute towards the Government’s 2017 Urban Growth Agenda - a programme that aims to remove barriers to the supply of land and infrastructure and make room for cities to grow up and out. It does this by:

- › addressing constraints in our planning system to ensure our system enables growth and supports well-functioning urban environments; and
- › requiring local authorities to open up more development capacity, so more homes can be built in response to demand.

More specifically, the NPS-UD requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. This includes:

- › ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi);
- › ensuring that plans make room for growth both ‘up’ and ‘out’, and that rules are not unnecessarily constraining growth;
- › developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions; and
- › aligning and coordinating planning across urban areas.

The NPS-UD applies to all urban environments, which are categorised into the three tiers (determined by population size and growth rates). The Waikato Regional and Wāipa District Councils are Tier 1 local authorities under the NPS-UD.

An urban environment is defined in the NPS-UD as:

any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: (a) is, or is intended to be, predominantly urban in character; and (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.

The 3Ms site meets the NPS-UD definition of an urban environment, and since it is within the jurisdiction of a Tier 1 local authority, the 3Ms site is a Tier 1 urban environment.

Wāipa District Council must implement the objectives and policies in the NPS-UD into its planning documents including the Wāipa District Plan, as well as producing a Future Development Strategy and a Housing and Business Development Capacity Assessment. It is understood that Wāipa District Council is working on the implementation of the NPS-UD over the next 24 months, which is also implemented through the Waikato Future Proof.

Part 2 of the NPS-UD – Objectives and Policies

The NPS-UD contains objectives and policies that councils must *give effect* to in their resource management decisions. Objectives and policies relevant to Tier 1 local authorities and Tier 1 urban environments are set out and discussed below.

Objectives

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

The 3Ms development will be a well-functioning urban environment. 3Ms has put a significant amount of work into ensuring that the development will be high quality and create



a sense of place for its residents. This development will enable people and communities to provide for their social, economic and cultural wellbeing, as well as having positive environmental and amenity outcomes.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

As detailed in the 3Ms vision for the subdivision, 3Ms is providing different housing choices which will enable housing at differing scales of affordability, and to cater for a variety of housing choices.

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities.
- (b) the area is well-serviced by existing or planned public transport.
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Clause (c) is the most applicable to the 3Ms development. Cambridge is a sought-after location with a significant amount of demand for housing. While the Waikato Regional Policy Statement and the Wāipa District Plan do not currently give effect to the NPS-UD (by virtue of the NPS-UD only recently becoming operative), it is considered that the granting of this consent application will “enable more people to live in, and more businesses and community services to be located in, areas of an urban environment” where “there is high demand for housing or for business land in the area, relative to other areas within the urban environment”.

Objective 4: New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

As detailed in the 3Ms vision for the subdivision, 3Ms is providing different housing choices which will provide for a number of different lifestyle opportunities. The subdivision provides a lot for a future school site, smaller lot areas for more compact housing, differing lot sizes between, a super lot for a retirement village as well as providing some space for part of a local centre and playground.

Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The engagement undertaken with Ngāti Hauā and Ngāti Korokī Kahukura is intended to be consistent with the principles of Te Tiriti o Waitangi.

Objective 6: Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and
- (b) strategic over the medium term and long term; and
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.

The 3Ms subdivision achieves the aim of the objective. The development is integrated with infrastructure planning, and it does not impact upon the ability to service the wider growth cells area. Importantly, clause (c) requires that the Wāipa District Council be responsive to this proposal as it does provide significant development capacity in an area where there are very few sections in Cambridge currently on the market.

Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

While this objective is aimed at the Wāipa District Council, it is noted that 3Ms has used all of the most recent information available.

Objective 8: New Zealand's urban environments:

- (a) support reductions in greenhouse gas emissions; and
- (b) are resilient to the current and future effects of climate change.

The development has been designed with a significant focus on walking and cycling. Further, the development will be resilient to climate change, with this being factored into the design of the stormwater system.

Policies

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and

- (e) support reductions in greenhouse gas emissions; and
- (f) are resilient to the likely current and future effects of climate change.

In respect of Policy 1:

- (a) 3Ms is proposing to create a variety of lot sizes that are intended to provide diversity in type, price and location of different households. In addition, the engagement with iwi has intended to address clause (ii);
- (b) Is not applicable;
- (c) The development has good accessibility, in accordance with this clause;
- (d) Will not impact upon the land development market, aside from providing much needed residential sections;
- (e) As far as practicable, supports reductions in greenhouse gas emissions; and
- (f) Is reliant to the potential effects of climate change.

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

The 3Ms development will assist the Wāipa District Council with providing sufficient development capacity over the short term. It is understood that there are very few sections on the market currently, with the 3Ms proposal seeking to put new sections on the market in 2022.

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
- (c) building heights of least 6 storeys within at least a walkable catchment of the following:
 - (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones
 - (iii) the edge of metropolitan centre zones; and
- (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:



- (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
- (ii) relative demand for housing and business use in that location.

The 3Ms development provides an appropriate density for the location.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - (ii) are not, of themselves, an adverse effect
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
- (e) the likely current and future effects of climate change.

In respect of Policy 6:

- (a) This development is within a residential growth cell, enshrined in the Wāipa District Plan.
- (b) It is considered the 3Ms development will be a well-functioning urban environment.
- (c) This proposal will represent a significant contribution to Wāipa District Council meeting the requirements of the NPS-UD to realise the development capacity of the C2 Growth Cell.
- (d) This proposal will cater for the likely impacts of climate change as far as practicable.

Policy 7: Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.

- (e) Clause (e) is not applicable as this policy is for the council to implement, however it is noted that the 3Ms subdivision will assist the Wāipa District Council in meeting any set bottom lines.

Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

- (a) unanticipated by RMA planning documents; or
- (b) out-of-sequence with planned land release.

Policy 8 is not applicable, as this proposal does not include a plan change. As stated earlier, this proposal will result in development capacity being realised in 2022.

Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

- (a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and
- (b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and
- (c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and
- (d) operate in a way that is consistent with iwi participation legislation.

While Policy 9 is for the Wāipa District Council to implement, it is noted that the engagement with tangata whenua is intended to be consistent with this policy.

Policy 10: Tier 1, 2, and 3 local authorities:

- (a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and
- (b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and
- (c) engage with the development sector to identify significant opportunities for urban development.

This proposal is inherently consistent with Policy 10, and the engagement had between Wāipa District Council and 3Ms has resulted in a subdivision layout that has benefits to the community in terms of a reduction in initial upfront infrastructure spend.

The proposed subdivision represents a significant opportunity for urban development.

6.4.3.4 Waikato Regional Policy Statement

The Waikato Regional Policy Statement (“RPS”) became operative on 20 May 2016 and contains 25 objectives to address the issues identified in the RPS. Those that are most relevant to this application are discussed below:



Objective 3.1 (Integrated Management) states:

Natural and physical resources are managed in a way that recognises:

- a) the inter-relationships within and values of water body catchments, riparian areas and wetlands, the coastal environment, the Hauraki Gulf and the Waikato River;
- b) natural processes that inherently occur without human management or interference;
- c) the complex interactions between air, water, land and all living things;
- d) the needs of current and future generations;
- e) the relationships between environmental, social, economic and cultural wellbeing;
- f) the need to work with agencies, landowners, resource users and communities;
and
- g) the interrelationship of natural resources with the built environment.

The proposed scheme for the subdivision is a gridded layout which integrates with the existing gridded structure of Cambridge and provides for integration between the old and the new parts of Cambridge. The proposed scheme is built around a grid of green pedestrian and bicycle routes that provides for integrated land uses.

Stormwater management features are integrated into the design which also accommodates recreational uses and provides for positive ecological outcomes. The scheme makes clear movement connections for walking, cycling and vehicles both within the subdivision and to the wider community.

For the above reasons, the proposal provides for natural and physical resources to be managed in an integrated manner and is consistent with Objective 3.1.

Objective 3.2 (Resource use and development) seeks to:

recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing’.

The proposed subdivision will enable Council to provide the necessary land for housing and to fulfill their obligations under the NPS, thereby providing for landowner’s economic and social wellbeing whilst ensuring that the adverse effects are minimised. The proposal is consistent with Objective 3.2 as it will facilitate future residential subdivision and development (in accordance with the existing structure plan).



Objective 3.4 (Health and wellbeing of the Waikato River) states *“the health and wellbeing of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved”*.

The health and wellbeing of the Waikato River has been widely considered in the overall C1 and C2/C3 structure planning process. The proposed development is consistent with the structure plan and therefore has considered the health and wellbeing of the Waikato River. The proposal is consistent with Objective 3.4.

Objective 3.9 (Relationship of tāngata whenua with the environment) states *“the relationship of tāngata whenua with the environment is recognised and provided for, including: a) the use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori; and b) the role of tāngata whenua as kaitiaki”*.

Consultation has been undertaken with tangata whenua through Te Huia Natural Resources in a manner intended to be consistent with Objective 3.9.

Objective 3.10 (Sustainable and efficient use of resources) states that *“use and development of natural and physical resources occurs in a way and at a rate that is sustainable, and where the use and development of all natural and physical resources is efficient and minimises the generation of waste.”*

The proposed subdivision is consistent with the land use patterns identified in the C1 and C2/C3 Structure Plan and is therefore compatible with the Structure Plan, and Councils plans for future residential development in this area. The proposal is considered a sustainable and efficient use of the property and is consistent with the Objective 3.10.

Objective 3.12 (Built environment) states that:

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

- a) promoting positive indigenous biodiversity outcomes;
- b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;
- d) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;
- e) recognising and protecting the value and long-term benefits of regionally significant infrastructure;

- f) protecting access to identified significant mineral resources;
- g) minimising land use conflicts, including minimising potential for reverse sensitivity;
- h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;
- i) providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;
- j) promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and
- k) providing for a range of commercial development to support the social and economic wellbeing of the region.

A great deal of effort has been undertaken to ensure that the built environment provides for sustainable outcomes. Examples where this is proposed are as follows:

- › The proposed layout is built around a grid of green pedestrian and bicycle routes that are easily accessed from all dwellings. Green networks provide for positive ecological, social and cultural outcomes;
- › Continuous cycle pathway has been incorporated along the C2 stormwater corridor;
- › A range of housing types are offered. Higher dwelling densities align with site amenities, with denser housing types located along edges of shared open spaces;
- › Dwellings are proposed to be designed to provide passive surveillance along the street frontages; and
- › Some dwellings have part of their open space on the street side of the buildings which provides for vibrancy as well as surveillance of the public realm.

The latter two elements contribute to crime prevention (Crime Prevention Through Environmental Design) and therefore provide for environmental, social, cultural and economic outcomes. The proposal is therefore consistent with Objective 3.12.

Objective 3.21 (Amenity) states that *“the qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.”*

The Applicant has a history of producing high quality developments in Cambridge, St Kilda development being a notable development whereby a great deal of emphasis was placed on amenity values. Again, there has been considerable time and expense to ensure this proposal produces a residential development that has a high degree of amenity for its residents are the wider Cambridge community. The proposal is consistent with Objective 3.21.



Objective 3.27 (Minimum housing targets for the Future Proof area) states:

The minimum targets for sufficient, feasible development capacity for housing in the Future Proof area are met, in accordance with the requirements of the National Policy Statement on Urban Development Capacity (NPS-UDC) 2016 are as follows.

Area	Minimum Targets (number of dwellings)		
	Short to Medium 1-10 years (2017-2026)	Long term 11-30 years (2027-2046)	Total
Hamilton City	13,300	23,600	36,900
Waipa District	5,700	8,200	13,900
Waikato District	7,100	12,300	19,400
Future Proof Sub-Region	26,100	44,100	70,200

Policy 6.14 of the RPS, also of direct relevance to the proposal, adopts the Future Proof land use pattern:

Policy 6.14 Adopting Future Proof land use pattern

Within the Future Proof area:

- a) new urban development within Hamilton City, Cambridge, Te Awamutu/Kihikihi, Pirongia, Huntly, Ngaruawahia, Raglan, Te Kauwhata, Meremere, Taupiri, Horotiu, Matangi, Gordonton, Rukuhia, Te Kowhai and Whatawhata shall occur within the Urban Limits indicated on Map 6.2 (section 6C);
- b) new residential (including rural-residential) development shall be managed in accordance with the timing and population for growth areas in Table 6-1 (section 6D);
- c) new industrial development should predominantly be located in the strategic industrial nodes in Table 6-2 (section 6D) and in accordance with the indicative timings in that table except where alternative land release and timing is demonstrated to meet the criteria in Method 6.14.3;
- d) other industrial development should only occur within the Urban Limits indicated on Map 6.2 (section 6C), unless there is a need for the industry to locate in the rural area in close proximity to the primary product source. Industrial development in urban areas other than the strategic industrial nodes in Table 6-2 (section 6D) shall be provided for as appropriate in district plans;
- e) new industrial development outside the strategic industrial nodes or outside the allocation limits set out in Table 6-2 shall not be of a scale or location where the development undermines the role of any strategic industrial node as set out in Table 6-2;



- f) new industrial development outside the strategic industrial nodes must avoid, remedy or mitigate adverse effects on the arterial function of the road network, and on other infrastructure;
- g) where alternative industrial and residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern; and
- h) where land is required for activities that require direct access to Hamilton Airport runways and where these activities cannot be accommodated within the industrial land allocation in Table 6-2, such activities may be provided for within other land adjacent to the runways, providing adverse effects on the arterial road network and other infrastructure are avoided, remedied or mitigated.

Section 6D of the RPS discusses the location and extent of new residential development. Table 6-1 of the RPS sets out the Future Proof residential growth allocation and staging for 2006-2061. The 3Ms subdivision will assist in achieving the targets specified in the RPS.

In terms of the density targets required by both Future Proof and the RPS, the 3Ms development will achieve a gross density of 13.4 households per hectare and a net density of 26.3 households per hectare.

For the above reasons, it is therefore considered that the proposal is consistent with the relevant provisions of the RPS.

6.4.3.5 Wāipa District Plan

The objectives and policies within the Wāipa District Plan are organised by zone and by topic. The following provides commentary on of those provisions in Section 1 (Strategic Policy Framework), Section 14 (Deferred Zone), Section 15 (Infrastructure, Hazards, Development and Subdivision) and Section 17 (Works and Utilities) are relevant to these applications.

Strategic Policy Framework Provisions

Objective - Settlement pattern

1.3.1 To achieve a consolidated settlement pattern that:

- (a) Is focused in and around the existing settlements of the District; and
- (b) Supports the continued operation, maintenance, upgrading and development of regionally important sites and regionally significant infrastructure and nationally significant infrastructure, and provides for on-going access to mineral resources.



Policy - Settlement pattern

1.3.1.1 To ensure that all future development and subdivision in the District contributes towards achieving the anticipated settlement pattern in the Future Proof Growth Strategy and Implementation Plan 2009 and the District Growth Strategy.

Policy - Towns

1.3.1.2 To provide for a consolidated settlement pattern by ensuring that new urban activities are focused within the urban limits of the towns of the District and in particular:

- (a) Residential developments and subdivision being located within the residential zones of Cambridge, Te Awamutu and Kihikihi, and also above ground floor level within the Commercial Zone; provided that this policy does not limit further development within the Residential Zone at Karāpiro identified on Planning Map 31.
- (b) A range of accommodation facilities and services to support the long term accommodation and care requirements for the existing and future elderly population, some of which may need to occur on the periphery of towns outside of the current urban limits as well as within the Residential Zone.
- (c) Retail activities, offices and commercial services being located within the Commercial Zones of the District, in a manner that ensures the vitality of the identified pedestrian frontage areas, and maintains Cambridge and Te Awamutu as the primary commercial centres of the District.
- (d) To recognise the potential for the following new areas of commercial zoning:
 - (i) The deferred Commercial Zone in Carter's Flat, Cambridge will be considered for rezoning to once a new Industrial Zone at Hautapu is in place, and the Cambridge bypass is complete; and
 - (ii) A possible motorway service centre at Hautapu; and
 - (iii) Local and neighbourhood centres within Deferred Zones and future growth areas.
- (e) Industrial Zoned land being maintained for industrial activities and new Industrial Zoned land being provided for within the urban limits at Hautapu (96ha gross), Bond Road (21ha gross) and Paterangi Road (8.5ha).
- (f) Developments within the Commercial Zone and Industrial Zone that increase the type and range of employment opportunities within the District and reduce the level of commuting traffic into Hamilton will be supported.

Policy - Subdivision and development within the Rural Zone

1.3.1.5 To ensure that the natural resources of the Rural Zone, including high class soils, continue to be used for rural activities by:

- (a) Avoiding residential developments and dwellings that are at a density greater than that anticipated by the Rural Zone; and
- (b) Avoiding commercial activities and industrial activities, except for rural based industries and nature tourism; and
- (c) Ensuring that development and subdivision activities within the Rural Zone do not reduce the area of land available for farming activities in the District; and
- (d) Rural based industries not being of a size or location where they undermine the role of a strategic industrial node identified in the Proposed Waikato Regional Policy Statement, or have an adverse effect on the strategic road network or other infrastructure. Rural based industries shall have a functional and compelling needs to locate in the Rural Zone; and
- (e) Managing actual or potential adverse effects on the health and well-being of water bodies; and
- (f) Avoiding sensitive subdivision, use and development that could result in reverse sensitivity effects on rural activities or existing lawfully established rural based industries.
- (g) Managing the effects of development on on-going access to mineral resources.

The robust process structure planning process that has occurred has anticipated the subject site, zoned Deferred Residential, would be residential in the future which is enshrined in the recent PC13 decision. The subdivision proposed provides a consolidated settlement pattern, achieving the requirements stated in Future Proof, and a range of housing types.

Objective - Planned and integrated development

1.3.2 To ensure that development and subdivision happens in a way and at a rate that is consistent with the anticipated settlement pattern, maximises the efficient use of zoned and serviced land, and is co-ordinated with cost-effective infrastructure provision.

Policy - Implement Proposed Waikato Regional Policy Statement, Future Proof 2009 and Growth Strategy

1.3.2.1 To allow subdivision and development that will give effect to the settlement pattern and directions of the Proposed Waikato Regional Policy Statement and that is consistent with the settlement pattern and directions in the Future Proof Growth Strategy and Implementation Plan 2009 and the Growth Strategy, and avoid unplanned developments which are inconsistent with these directions.

Policy - Co-ordination of Subdivision and Development in Deferred Zones

1.3.2.2 To avoid subdivision and development in Deferred Zones that is not generally in accordance with Appendix S1 unless:

- (a) The development can be adequately serviced at the cost of those parties undertaking the development and does not undermine committed infrastructure investments made by Council to support other growth areas; and
- (b) The development meets the relevant criteria for alternative land release in the Regional Policy Statement.

Policy - Efficient use of zoned and serviced land

1.3.2.4 Maximise the efficient use of existing physical resources by requiring all new serviced residential greenfield development and subdivisions to have a range of lot sizes that achieve an overall target density of 12 to 15 dwellings per ha of gross developable area. Policy - Avoid development and subdivision that compromises the development of Deferred Zones and future growth areas

1.3.2.5 To ensure that development and subdivision within Deferred Zones and future growth areas does not compromise anticipated future uses.

Policy - Co-ordination between subdivision and development and infrastructure

1.3.2.6 To manage the increased demand on infrastructure from development and subdivision by requiring all subdivision and development to be co-ordinated with the provision of infrastructure including utility services, and integrated with the transport network and the District's road hierarchy. If subdivision and development is likely to occur in areas currently supplied, or intended to be supplied by municipal services, but in advance of the provision of municipal services, then the provision of infrastructure by developers shall be to a design and standard that will enable integration with public service provision. The provision of infrastructure by developers must take into account the available or planned network capacity.

The proposed land use and subdivision is in accordance with Appendix S1 - Future Growth Cells and is an efficient use of the largely vacant land. The proposal achieves the 12-15 densities per hectare required by Future Proof and the Waikato RPS. The proposed activities are in general accordance with the approved Structure Plan.

Objective - Environmental and heritage protection and recreation values

1.3.4 To ensure that development and subdivision activities maintain and where possible enhance the environmental, heritage and recreational values of the District.

Policy - Enhancing existing recreation and conservation values

1.3.4.5 To enhance the recreation and ecological values of the District, by improving the function and access to existing reserves whilst ensuring areas of historic and ecological importance are protected and the development or subdivision results in net environmental gains.

The recreational space provided in the proposal allows for a green network that facilitates activities such as walking, running and cycling.

Objective - Implementation of the Waikato River Vision and Strategy

1.3.5 The health and well-being of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved.

Policy - Health and well-being of the Waikato and Waipā Rivers

1.3.5.1 To achieve the directions and outcomes of the Waikato River Vision and Strategy within the catchment area identified on the Planning Maps by District Plan provisions relating to:

- (a) Building setbacks and earthworks; and
- (b) Activities on the surface of water; and
- (c) Peat lake catchments; and
- (d) Esplanade reserves; and
- (e) Landscapes; and
- (f) Environmental Benefit Lot provisions for significant natural areas and in some circumstances riparian areas; and
- (g) Significant natural areas and indigenous biodiversity generally; and (h) Intensive farming activities; and
- (i) Public access; and
- (j) Customary activities; and
- (k) Marae and papakāinga; and
- (l) Cultural sites and cultural landscapes.

Policy - Maintaining and enhancing public views and public access

1.3.5.2 To maintain and enhance public views and public access by development actively facing and providing access to the Waikato River.

As discussed in Section 6.5.2.1, the proposal will not impact on the ability for the objectives of the Vision and Strategy being achieved and is consistent with the above objective and policy.

Objective - Energy and resource efficiency, design, character and amenity

1.3.6 To ensure that developments and subdivisions maintain and where possible enhance key elements of character and incorporate design and sustainability principles.

Policy - Urban design, character and amenity

1.3.6.1 Urban developments and subdivisions shall:

(a) Maintain and where possible enhance key elements of character through building and infrastructure design, and the layout of sites; and (b) Actively incorporate sustainability principles within the design and layout of the development and subdivision as well as the infrastructure servicing the development.

Policy - Rural character and amenity

1.3.6.2 To maintain key elements of rural character and amenity by restricting the number and location of buildings, and to maintain the values associated with identified landscapes and significant natural areas.

Policy - Energy and resource efficiency

1.3.6.3 To ensure high levels of energy and resource efficiency by:

- (a) Requiring roading layouts to achieve high levels of connectivity; and (b) Requiring all residential developments to be orientated to achieve maximum solar access for new dwellings; and
- (c) Where it is appropriate, requiring multi-modal transport options to be incorporated into developments and subdivisions; and
- (d) Encouraging infrastructure which takes account of the sustainability of the life cycle of the utility, for example, stormwater runoff, storage and treatment, the selection of construction materials, ongoing energy and maintenance costs, renewal opportunities for retention devices on individual sites, as well as the active incorporation of water conservation measures; and
- (e) Enabling the establishment of on-site renewable electricity generation systems, subject to the management of adverse effects.

Policy - Implement visions and strategies in Town Concept Plans

1.3.6.4 To enable the opportunities and outcomes in the Town Concept Plans subject to the provision of infrastructure and the adequate management of adverse effects

The proposal represents an efficient use of resources. Notable examples are the design of buildings and private open spaces which are influenced by access to sunlight and take advantage of natural energy. Transport infrastructure is also an efficient use of resources and provides for connectivity and multimodal transport options. The proposal is in general accordance with the structure plan for C2 and implements the vision expressed in the Town Concept Plans.



Summary

The proposal is consistent with the provisions related to Section 1 of the Wāipa District Plan. The land that is the subject of these applications has undergone a robust structure plan process that has clearly signalled this land for future residential activity.

Deferred Zone Provisions

The thrust of the objectives and policies of the deferred zone is to ensure that developments do not compromise the ability for the land to be used for the purpose of the deferred zoning. In this case, the future land use is residential, which is the type of land use proposed by 3Ms. In addition, the 3Ms development is consistent with the C1 and C2/C3 Structure Plan, which also implements the future intended land use of the site.

Objective - Deferred Zoning

14.3.1 Land intended for conversion from its current land use to an alternative land use in order to respond to growth demands is clearly identified, occurs in a planned manner, and its resources are protected for its anticipated future use.

Policy - Land subject to deferred zoning

14.3.1.2 Land subject to deferred zoning will only accommodate land uses which do not compromise the ability for the area's natural and physical resources to be used for the purpose of the deferred zoning.

The proposal is consistent with Objective 14.3.1 and Policy 14.3.1.2 above in that this proposal is entirely consistent with the underlying future residential zoning of the site which has been enshrined by the recent (but not operative) PC13 decision.

Infrastructure, Hazards, Development and Subdivision Provisions

Objective - Integrated development: site design and layout

15.3.1 To achieve integrated development within the District, that contributes to creating sustainable communities and enhances key elements of character and amenity.

Policy - Understanding the constraints and opportunities of a site by undertaking a site and surrounding area analysis

15.3.1.1 Development and subdivision should integrate with and acknowledge the constraints and opportunities of the site and surrounding area.

Policy - Sustainable design and layout development principles

15.3.1.2 Development and subdivision within the urban limits and the Large Lot Residential Zones, should occur in accordance with the principles of sustainable design, and enable energy efficiency.



Policy - Low impact design

15.3.1.3 The design and layout of development and subdivision, should recognise the landform and processes of the natural environment of the site and surrounding land, and avoid or minimise alterations to the landform and ecosystems.

Sustainable design is proposed throughout the subdivision, including elements such as:

- › The connectedness within the development as well as to the wider Cambridge community;
- › The layout of the streets has also been influenced by solar orientation, enabling energy efficiency;
- › Low impact design is proposed in the development, including features such as stormwater management solutions which also accommodates a recreational area;
- › The open space network that is proposed is open ended. This will allow for the future extension of these spaces. The proposal allows for good connections to Cambridge Road and if extended, to the Waikato River and Te Awa cycle path.

Objective - Integrated development: natural hazards and site suitability

15.3.2 To ensure that sites proposed as part of a development or subdivision will be capable of accommodating activities anticipated within the applicable zone.

Policy - Land to be suitable for use

15.3.2.1 Land to be developed or subdivided must be physically suitable to accommodate the permitted land use activities for that zone in accordance with the rules of this Plan.

Policy - Consideration of natural hazards

15.3.2.2 Development and subdivision design should avoid natural hazards, or provide for the mitigation of the hazard within the development or subdivision design.

Policy - Consideration of climate change

15.3.2.3 Development and subdivision design should avoid areas that may be subject to the known effects of climate change, or provide for the mitigation of the effects of climate change within the development or subdivision design.

Policy - Consideration of reverse sensitivity

15.3.2.4 Development and subdivision design should not result in reverse sensitivity effects on adjacent sites, adjacent activities, or the wider receiving environment.

The site has been subject to a robust structure planning process and it is therefore concluded that the site is suitable, and factors such as natural hazards, climate change and

reverse sensitivity have been considered as part of this process to provide for residential development. While the proposal results in a minor change to the spatial layout of the public infrastructure within the growth cell, the activities proposed are in “general accordance” with the structure plan and are consistent with the above objective and policies.

Objective - Integrated development: efficient servicing

15.3.3 Achieving the efficient and cost-effective servicing of land by ensuring that servicing is provided to areas proposed to be developed.

Policy - Servicing requirements

15.3.3.1 All proposed urban development and subdivision shall be serviced to a level that will provide for the anticipated activities approved in a structure plan, or otherwise anticipated within the zone. Servicing requirements shall include:

- (a) Reserves for community, active and passive recreation; and
- (b) Pedestrian and cycle connections; and
- (c) Roads; and
- (d) Public transport infrastructure, e.g. bus stops; and
- (e) Telecommunications; and
- (f) Electricity; and
- (g) Stormwater collection, treatment and disposal; and
- (h) Wastewater treatment and reticulation, water provision for domestic and fire fighting purposes; and
- (i) Anticipating and providing for connections to identified adjacent future growth areas

15.3.3.2 Development and subdivisions shall:

- (a) Be located in areas where infrastructural capacity has been planned and funded; and
- (b) In areas subject to an approved structure plan, provide sufficient infrastructural capacity to meet the demand identified in the structure plan; and
- (c) Achieve the lot yield anticipated in an approved structure plan; and (d) Include infrastructure provision for both the strategic infrastructure network and local infrastructure connections.

Policies - Roading infrastructure

15.3.3.3 The design, location, alignment, and dimensions of new roads shall ensure that safe vehicle, pedestrian, and cycling access and manoeuvring can be provided to every site/lot.



15.3.3.4 The roading pattern shall ensure connectivity to adjacent land identified as Deferred Zones or future growth areas, and the provision of public transport infrastructure, such as bus stops.

Policy - Standard of infrastructure

15.3.3.5 Infrastructure services shall be provided to a standard that will allow the service to be extended to Deferred Zones or future growth areas

The proposal provides for the supporting infrastructure required to support the residential subdivision, as well as the subdivision itself. The subdivision will be connected to existing water, wastewater, stormwater, electricity and services and has been provided for as part of the infrastructure design for the scheme. Sufficient land has been set aside to accommodate these requirements. Supporting documents have been attached to this report which provides details that illustrates the efficient and integrated infrastructure that has been provided in this proposal and support the above objectives and policies.

Objective - Urban consolidation

15.3.4 To ensure urban consolidation will be achieved within the District, while also contributing to character and amenity outcomes.

Policy - Achieving density, design and character

15.3.4.1 The minimum and maximum lot size and dimension of lots have been established so that they achieve the character and density outcomes of each zone.

Policy - Rural Zones: ensuring the productive potential of rural land

15.3.4.6 The minimum rural lot size requirement has been established to ensure the productive potential of rural land is retained for a range of farming activities.

Policy - Rural Zones: maintaining amenity and rural character

15.3.4.7 To ensure that development does not compromise the predominant character and amenity of the Rural Zone, subdivision design and layout shall:

(a) Avoid de facto settlements such as ribbon, or residential cluster development; and

(b) Maintain the visual and environmental values of the area, including but not limited to, maintaining the integrity of landscape areas and viewshafts; and

(c) Not compromise the ecological functioning of significant natural areas, e.g. peat lakes and biodiversity (indigenous forest) corridors, as defined on the Planning Maps; and other areas of biodiversity value.

Policy - Rural Zones: infrastructure

15.3.4.8 To ensure that development does not give rise to demand or potential demand for the uneconomical and unplanned expansion of infrastructure services,

or the upgrade of existing infrastructure, by avoiding residential cluster, ad hoc and ribbon development.

While the decision on PC13 has been released, it is not yet operative. As the deferred status of the C2 Growth Cell has not been uplifted at this stage, there is a technical inconsistency with the above objectives and policies related to rural land. This has no consequence however as the site has been approved for future residential activity. The density, design and character are in keeping with the residential zone and in general accordance with the Structure Plan.

Objective - Integrated development: reduce the fragmentation of rural land and retain rural land for production

15.3.5 To ensure that the primary productive potential of the rural land resource is retained and enhanced.

Policy - Maintaining productive potential of the rural land

15.3.5.1 To ensure the productive potential of the Rural Zone is retained by:

- (a) Maintaining a minimum rural lot size of 40ha; and
- (b) Limiting and controlling the location of smaller lots.

Policy - High class soils

15.3.5.3 To protect high class soils from fragmentation by:

- (a) Ensuring that rural lot sizes can accommodate a range of farming activities; and
- (b) Allowing limited adjustment or relocation of title boundaries within a holding or between holdings, that result in more efficient use of high class soils; and
- (c) Ensuring that subdivision rightstransfer to non-sensitive locations as specified in this Plan; and
- (d) Restricting the use of high class soils for activities other than primary production; and
- (e) Restricting the level of impermeable surfaces on high class soils; and
- (f) Facilitating and encouraging the amalgamation of small titles.

As stated above, the deferred status of the C2 Growth Cell has not been uplifted at this stage and as such there is a technical inconsistency with the above objectives and policies related to rural land. This has no consequence however as the site has been approved for residential activity via the structure planning process and through the PC13 process.



Objective - Integrated development: environmental enhancement

15.3.6 Maintain and enhance the District’s natural environment, including the natural functioning of the environment, natural features and landscapes, and significant natural areas.

Policy - Minimise impacts on the natural environment: low impact design methods

15.3.6.1 To maintain and enhance the natural environment, the existing land forms, vegetation, and water bodies, through the use of low impact design methods at the time of development and subdivision.

In accordance with the SMP and best practice design principles, Low Impact Design will be implemented throughout the design of the subdivision. Provision for open space offers an opportunity for a green network on the site which will be able to be extended to connect to the Waikato River and supports the above objective and policy.

Objective - Giving effect to the Waikato River Vision and Strategy

15.3.12 To ensure that the Waikato River Vision and Strategy is given effect to by all development and subdivision.

Policy - Maintaining the health and well-being of land and water bodies

15.3.12.1 To give effect to the directions and outcomes in the Waikato River Vision and Strategy and the Waipā River Accord, by ensuring that all development and subdivision shall include the following elements:

- (a) Low impact design for stormwater, drainage and earthworks; and
- (b) Building setbacks from lakes and water bodies; and
- (c) Access to water bodies where appropriate; and
- (d) Provision for the Te Awa Cycleway, where relevant; and
- (e) Minimal indigenous vegetation removal and requirements for restoration and enhancement of indigenous vegetation and natural character; and
- (f) Restricting locations of earthworks, building and wastewater systems within cultural landscapes.

As stated in Section 6.5.2.1, the Vision and Strategy has been fully considered during the formulation of this proposal. It is considered that the proposal will not impact on the ability for the objectives of the Vision and Strategy being achieved.

Objective - Structure planning

15.3.15 To achieve integrated development within structure plan areas.

Policy - Structure planning

15.3.15.1 To enable development and subdivision within approved structure plan areas where the development and subdivision is integrated with the development pattern and infrastructure requirements specified in an approved structure plan.

This development is in general accordance with the structure plan and achieves integrated development with this plan.

Summary

The proposal is largely consistent with the provisions related to Section 15 of the Wāipa District Plan. Where this is not the case relates to those provisions relating to rural land. This poses no impediment to the granting of this consent as this property will be zoned residential, once the deferred status is lifted.

Transportation

The objectives and policies of the transportation section of the Wāipa District Plan seek that all new development, subdivision and transport infrastructure be designed and developed to contribute to a sustainable, safe, integrated, efficient (including energy efficient network design) and affordable multi-modal land transport system.

The 3Ms development allows for a choice of walking cycling and vehicle movement. In terms of walking and cycling, key strategic links and crossing points are planned along and across Cambridge Road, linking back to the Te Awa River Ride path south of the site as well as other planned pedestrian and cycle links with adjoining land. This ensures connectivity in all directions. With respect to future public transport, the proposed roading network allows for a number of vehicle loops through the site that would support a bus service at a later date. The proposal supports the above objective and policies.

The civil engineering designs show the proposed street cross sections which incorporate wide berms, street tree planting and shared walking and cycling paths. A careful selection of street trees has been considered as part of the landscape architecture of the street environments which provide for amenity. A high level of connectivity has been proposed provides for integration of land uses and transport

Residential Zone

Given that the future intended zoning of the application site is residential (and status of decisions on PC13 having been released), it is appropriate to consider the objectives and policies of the Residential Zone section of the Wāipa District Plan.

Objective - Key elements of residential character

2.3.1 To maintain and enhance the existing elements of the Residential Zone that give each town its own character.



Policy - Cambridge

2.3.1.1 To maintain and enhance Cambridge's character by:

- (a) Maintaining the grid layout that provides long vistas down roads; and
- (b) Providing for wide grassed road verges that enable sufficient space for mature trees; and
- (c) Maximising opportunities to provide public access to the town belt; and
- (d) Maintaining and enhancing public views to the Waikato River and Karāpiro Stream Valley with development actively facing and providing access to the River and the Stream; and
- (e) Providing for development that is of a low density, one to two storeys, and set back from road frontages to enable sufficient open space for the planting of trees and private gardens; and
- (f) Maintaining the mix of villa, cottage and bungalow type housing within the identified character clusters.

It is considered that the 3Ms proposal will be consistent with the wider Cambridge character, bringing aspects like tree lined streets and high-quality housing, which are reflective of Cambridge, into the 3Ms development.

The objectives and policies relating to building setbacks, building heights, site coverage and permeable surfaces, signs, daylight, outdoor living areas building lengths will be considered in the context of the land use consents required (once Plan Change 13 has been made fully operative and the design of the buildings has been confirmed), again noting that this application is only seeking subdivision consent due to the current zoning of the site.

Objective - Providing housing options

2.3.4 To enable a wide range of housing options in Cambridge, Te Awamutu, Kihikihi, and Karāpiro in a way that is consistent with the key elements of the character of each place.

Policy - Sustainable and efficient use of land

2.3.4.1 To meet changing housing needs and to reduce demand for further land to be rezoned, by providing for a range of housing options. Developments that are comprehensively designed where spaces can be shared will be preferred.

As detailed previously in this AEE, one of the key aspects of the 3Ms vision is to provide a variety of housing choices and lot sizes within the development to cater for different lifestyles and life stages. The subdivision has been comprehensively designed and will achieve a density of 13.4 households per hectare (gross).



Policy 2.3.4.5 in respect of compact housing will be considered during the land use consenting phase of the development.

Objective - Comprehensive design and development

2.3.5 To ensure that developments are comprehensively designed, incorporate urban design and CPTED principles, are co-ordinated with infrastructure provision, and integrated with the transportation network.

Policies - Cambridge Park and C1 and C2/C3 Structure Plan Area

2.3.5.2 To encourage creative and innovative approaches to urban design and development within the Cambridge Park Residential Zone and the C1 and C2/C3 Structure Plan Area.

As set out in this AEE, the 3Ms development has been comprehensively designed. 3Ms has placed significant emphasis on incorporating the CPTED principles.

As detailed in Section 3.5 of this AEE, the 3Ms site can be developed from an infrastructure perspective in an appropriate manner.

In respect of the provisions relating to non-residential activities, which are relevant to the proposal local centre, the C1 and C2/C3 Structure Plan includes a local centre on the 3Ms site. This area is small, will not detract from the Cambridge CBD, and will likely only include a café.

This 3Ms subdivision is considered to be consistent with the objectives and policies of the Residential Zone.

6.4.3.6 Precedent Effect

One final matter that may need some comment is the potential for the granting of the current consent application to cause a 'precedent effect'. This issue sometimes arises due to a concern held by the Wāipa District Council that a decision to grant a consent for a Non-Complying Activity could undermine the integrity of the Wāipa District Plan.

As detailed by 3Ms legal counsel, the lead authority on plan integrity and precedent is the High Court decision in *Rodney District Council v Gould* [2006] NZRMA 217. In that decision the High Court held at [99], [100], and [102]:

In my view, a reasoned decision which held that a particular non-complying activity proposal was not contrary to district plan objectives and policies could not be criticised for legal error simply on the basis that it had omitted reference to district plan coherence, integrity, public confidence in the plan's administration, or even precedent.

...



No doubt the Environment Court will continue to advert in appropriate cases to the concepts of the integrity and coherence of the district plan, public confidence in its consistent administration, and precedent. I do not suggest that there is any error in taking that course.

...

It is to be observed that on this approach, it is where the circumstances of a particular case lack any evident unusual quality that granting consent may give rise to concerns about public confidence in the consistent application of the rules in the District Plan. Conversely, where the circumstances of the particular case can be seen as having some unusual quality, the constraints of what is now s105(2A)(b) may be overcome. **In an appropriate case the Environment Court can decide that there are aspects of a proposal which take it outside the generality of cases, so that the case may be seen as exceptional and if it can be said that the proposal is not contrary to the objectives and policies of the district plan, it will not be necessary also to consider and make findings, on the issues of public confidence in the administration of the district plan and district plan Integrity.** Concerns about precedent, about coherence, about like cases being treated alike are all legitimate matters able to be taken into account, as the recent decision of Baragwanath J in *Murphy v Rodney District Council* [2004] 3 NZLR 421 again emphasizes. **But if a case is truly exceptional, and can properly be said to be not contrary to the objectives and policies of the district plan, such concerns may be mitigated, may not even exist.**

(emphasis added)

Often the concern centres around the potential for the ‘floodgates to open’ and for Council to be exposed to a deluge of applications for similar consents in respect of other properties. As the Environment Court observed in *Beacham v Hastings District Council* W75/2009 at [85];

Only in the clearest of cases, involving an irreconcilable clash with the important provisions, when read overall, of the District Plan and a clear proposition that there will be materially indistinguishable and equally clashing further applications to follow, will it be that Plan integrity will be imperilled to the point of dictating that the instant application should be declined.

The issue of plan integrity is a matter which can appropriately be considered, particularly where the application is contrary to the objectives and policies in the Plan; see *Endsleigh Cottages Ltd v Hastings District Council* [2020] NZEnvC 064. However, in the present case the application is consistent with all relevant objectives and policies and seeks to enable a land use and overall development plan which is consistent with the Wāipa District Plan’s intent.

Based on the conclusions in this AEE, it is considered that there will be no precedent effect that undermines the integrity of the Wāipa District Plan arising from the granting of the



current consent application for a Non-Complying Activity. The reasons for this conclusion are:

- › The decision on PC13 being released which rezones the 3Ms site from deferred residential to residential zone.
- › Every resource consent application that is made to consent authorities throughout New Zealand is due to a proposed activity not complying with the permitted activity rules and/or performance standards in the relevant plan. Simply breaching a rule or a performance standard is not a sufficient reason to decline consent or be concerned about a precedent effect (otherwise the resource consent application process would serve no purpose). Applications need to be determined based on an evaluation of the effects of the proposed activity on the environment and the outcomes sought to be achieved in the relevant statutory instruments in accordance with section 104 and, in this case, section 104D, of the RMA.
- › A precedent effect should only be a matter of concern where it results in substantive environmental outcomes that are contrary to what the relevant plan is seeking to achieve. As discussed above, the current proposal will not result in any of the issues or adverse effects. Residential development in this area is entirely anticipated.
- › Any subdivision within the Deferred Zones of the Wāipa District, that is not a boundary adjustment, is a Non-Complying Activity, irrespective of the scale of the subdivision. It is assumed that the Non-Complying Activity status is designed to protect the future intended land use of the deferred area, and not compromise the future use of that land through the granting of a subdivision consent that it inconsistent with that land use. In this respect, the 3Ms proposal is entirely consistent with the intended use of its site; that is, residential activities.
- › While the proposal does not adhere to the minimum, and maximum lot size performance standards (and is a non-complying activity due to this), this is due to the need to achieve density within the subdivision (which is achieved through the provision for compact housing).
- › The consistency of the 3Ms proposal with the approved C1 and C2/C3 Structure Plan.
- › It is unclear whether the Wāipa District Plan gives full effect to the NPS-UD (given it was made operative before the NPS came into effect). It is understood that there is currently a limited supply of residential sections on the market. This development assists the Wāipa District Council in meeting its obligations under the NPS-UD by delivering new residential sections to the market in 2022.

In summary, it is 3Ms view that the granting of this subdivision consent application would not create an adverse precedent effect, nor would it result in the integrity of the Wāipa District Plan being compromised.



6.4.3.7 Section 104(1)(c) – Other Relevant Matters

6.5.2.7.1 Iwi Management Plans

Under section 104(1)(c) Iwi Management Plans are a relevant matter to be considered by the Waikato Regional Council when assessing this application under section 104 of the RMA. This section provides commentary on the two Iwi Management Plans of relevance to this application.

- › Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan; and
- › Te Rautaki Tāmata Ao Turoa o Hauā, the Ngāti Hauā Environmental Management Plan.

Tai Tumu Tai Pari Tai Ao

Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan (“**WTEP**”) was lodged with Waikato Regional Council on 6th September 2013. The purpose of the plan is to:

‘provide a map or pathway that will return the Waikato-Tainui rohe to the modern-day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha’.

3Ms has reviewed the WTEP and provides an assessment against the provisions below. However, the Applicant acknowledges that only Waikato-Tainui can determine for Waikato-Tainui if, from a Waikato-Tainui perspective, the magnitude, frequency, and duration of the effect, and if the overall effect of an activity is positive or negative. For that reason, 3Ms has sought to engage with tangata whenua representatives of Waikato-Tainui in respect of the proposed works, through Te Huia Natural Resources.

Section C of the WTEP contains the Issues, Objectives, Policies and Methods developed under the following headings that are relevant to the application:

- › Tribal Strategic Plan;
- › The Vision and Strategy for the Waikato River;
- › Right of First Refusal on Crown Lands;
- › Waikato-Tainui Communities;
- › Customary Activities;
- › Natural Heritage and Biosecurity;
- › Historical Items, Prized and Significant Sites;
- › Natural Hazards;

- > Freshwater;
- > Land;
- > Fisheries;
- > Land Use Planning;
- > Infrastructure;
- > Hierarchy of Management Measures; and
- > Environmental Enhancement.

Tribal Strategic Plan

This section of the WTEP sets out the tribe's strategic objectives in relation to its own identity, integrity, success and wellbeing. It draws on the blueprint 'Whakatapuranga 2050' for the cultural, economic and social advancement of Waikato-Tainui. While this section is most relevant to internal stakeholders, there is an objective, policy and several methods that seek to ensure that resource management, use and activities within the Waikato-Tainui rohe are consistent with (and if possible, contribute to the achievement of) the vision, mission, values and strategic objectives of Whakatapuranga 2050.

3Ms recognises the role of Waikato-Tainui as kaitiaki within its rohe. Furthermore, understands the importance of land and water resources, particularly the centrality of the Waikato River, to the tribe's mana and identity.

The Vision and Strategy for the Waikato River

Section 11 of the WTEP addresses the Vision and Strategy for the Waikato River 'Te Ture Whaimana'. This section provides the background to the process of settlement of Raupatu Claims between Waikato-Tainui and the Crown and outlines the legislative recognition of the Te Ture Whaimana in resource management decision making, including by way of co-management and an Integrated River Management Plan for the Waikato River.

The Vision and Strategy, and an assessment of 3Ms application in relation to the Vision and Strategy, is discussed in Section 6.5.2.1 of this report.

Right of First Refusal on Crown Lands

Section 12 of the WTEP explains the genesis of the concept Right of First Refusal ("RFR") as part of the 1995 treaty settlement between Waikato-Tainui and the Crown. RFR provides an open-ended opportunity for the tribe to regain some of the Raupatu or confiscation lands and gives effect to the Waikato-Tainui principle 'i riro whenua atu, me hoki whenua mai' (as land was taken, land should be returned).



The objectives in this section of the WTEP seek to clarify that the RFR applies to the long-term leasing or vesting of land, as well as to the sale of land. They also signal to Crown agencies and local authorities that care must be taken to protect the integrity and good faith of the RFR.

This section is relevant to central and local government agencies.

Waikato-Tainui Communities

Section 13 of the WTEP supports the sustainable development of marae and papakaainga in both rural and urban areas. It encourages local authorities involved in land use planning to consider the infrastructure requirements, character and amenity of papakaainga developments. As such, this section is not relevant to this application.

Customary Activities

Section 14 of the WTEP outlines Waikato-Tainui's customary activities and resource use, which has been affected by a decline in the abundance and variety of resources as well as reduced access to these resources.

The proposal will not impact upon the ability for customary activities to be undertaken.

Natural Heritage and Biosecurity

Section 15 of the WTEP discusses the loss of indigenous biodiversity and the negative effect this has had on the relationship of Waikato-Tainui with the whenua. The Plan seeks to restore the rohe to ecological health.

There is no mature vegetation on the site, or any other areas of particular natural heritage values.

Historical Items, Prized and Significant Sites

The Applicant is familiar with the WTEP's approach to site management protocols (Objective 16.3.1). This application does not relate to any land disturbance activities, which will be considered at a later stage. However, for completeness it is noted that 3Ms will undertake earthworks required accordance with the discovery protocols relating to taonga (16.4.3.2) and archaeological sites (16.4.3.3). 3Ms will implement cultural protocols and comply with heritage legislation (if there are any accidental discoveries). This approach includes many of the methods (a) to (g) giving effect to Policy 16.3.5.1 - Areas and sites of significance, including good project management, clear communication, monitoring of effects, inclusion of protocols and reporting results.

Natural Hazards

Section 17 addresses natural hazards including land use and risk management, taking a wider perspective of community wellbeing over individual property owners. Nothing in



relation to the activities that are the subject of this consent application will increase the risk or magnitude of a natural hazard event, nor will it change any risk or effect on human life.

Freshwater

The WTEP contains the objectives, policies and methods pertaining to specific environmental areas. The objectives and policies on fresh water in Section 19 of the WTEP relate mainly to the aspiration of Waikato-Tainui to work alongside government agencies to manage the allocation of fresh water and improve the quality of water across the region.

3Ms has designed this proposal in a manner that appropriately addresses the actual and potential effects on freshwater. Water quality is to be protected via the measures implemented as required by an approved Erosion and Sediment Control plan, and it is assumed that discharging the stormwater generated from the subdivision to land (instead of directly to the Waikato River via a point source discharge) would be generally supported by Waikato-Tainui. Therefore, application is therefore consistent with Section 19 of the WTEP.

Land

Section 21 of the WTEP pertains to the use of land and Waikato-Tainui's concern to restore ecosystem balance by addressing issues including soil erosion, catchment management, nutrient loss, land development, dam management and riverbank erosion.

The Applicant considers that the proposal is consistent with Section 21 of the WTEP.

Fisheries

Section 22 of the WTEP outlines how the restoration of fisheries is critical to the mana and status of Waikato-Tainui and is central to achieving the Vision and Strategy of a healthy, abundant Waikato River.

Given this proposal is for a land use matter, it is considered that this section of the WTEP is not relevant to the proposal.

Land Use Planning

Section 25 of the WTEP contains objectives and policies that provide for future urban and rural development that is well-planned and responsive to Waikato-Tainui concerns. This chapter will have been considered in the proposal to rezone the growth cells.

Infrastructure

Section 26 highlights the necessity of involving Waikato-Tainui in large infrastructure projects including those related to energy, transport and waste.

Representatives of Waikato-Tainui and tangata whenua have been engaged throughout the resource consent development process the Te Huia Natural Resources.

Hierarchy of Management Measures

The Applicant's approach to managing the effects of its resource use and activities is consistent with the hierarchy of management measures outlined in Section 8.2.1 of the WTEP.

Environmental Enhancement

3Ms approach to managing the effects the stormwater activities are consistent with the approach outlined in Chapter 7 of the WTEP - 'Toward Environmental Enhancement'.

Te Rautaki Tāmata Ao Turoa o Hauā

Te Rautaki Tāmata Ao Turoa o Hauā, the Ngāti Hauā Environmental Management Plan ("NHEMP"), was developed to express Ngāti Hauā values and aspirations for their environment. It was lodged with the relevant regulatory agencies in 2018 and is intended for those utilising the plan to understand the values, frustrations and aspirations for the environment and state the Ngāti Hauā views on particular land uses and activities.

The policies and actions of the NHEMP are primarily aimed at Regional and District Councils within their rohe. However, the provisions are also to be used to inform and guide engagement processes and decisions associated with resource consent applications.

An assessment of the relevant provisions and sections of the NHEMP is provided under the following headings:

- › Sustainable Land Use and Development (Section 9);
- › Te Wai Māori - Water (Section 11);
- › He Mahinga Kai – Fisheries (Section 13);
- › Cultural Heritage (Section 15).

Sustainable Land Use and Development

The provisions of Section 9 seek to manage the effects of urban land use and development within the rohe of Ngāti Hauā, including the promotion of low impact urban design and the utilisation of locally sourced native plants for landscaping (for example). Furthermore, the provisions require that a holistic and integrated approach be taken in relation to the sustainable use, development and management of land. This is to be achieved through working with other parties to ensure that land use and development within the rohe recognises and provides for:

- › Mauri of land and soil resources;
- › Relationship between Ngāti Hauā and natural resources;

- › Value of the knowledge held by Ngāti Hauā;
- › Role and application of mātauranga and tikanga;
- › Principle of interconnectedness; and
- › Aspirations to enhance social and economic wellbeing.

Te Wai Māori

The relationship Ngāti Hauā has with its waterways lies at the heart of their physical, spiritual and cultural wellbeing. The health and wellbeing of freshwater resources is connected to the health of the whenua and wellbeing as a community.

The relevant objectives in relation to water are as follows:

Objectives

1. The mauri of freshwater within our rohe is restored and protected. This means that:

- Water is plentiful and clean enough for drinking, swimming and sustaining plentiful mahinga kai.
- Water allocation occurs in a manner that is sustainable and consistent with the natural limits of our rivers, streams and aquifers.
- Water is allocated fairly and used efficiently and responsibly.
- Waterways are accessible for customary use e.g. mahinga kai.

2. Recognition of Ngāti Hauā values, interests and Mātauranga in relation to freshwater planning and management within our rohe. This means that:

- Aspirations for marae, papakainga, and Māori land development is not unfairly disadvantaged by freshwater allocation and quality.
- Our intergenerational knowledge and experience is valued.
- Our role as a Treaty partner and post settlement governance entity is recognised.

3. Protection and revitalisation of our traditional knowledge and practices regarding our rivers, streams and aquifers (puna).

3Ms has designed the subdivision layout in a manner to provide for urban development while also ensuring that the stormwater quality is appropriate for discharge into waterways.

In respect of Objective 2 and Objective 3, 3Ms has engaged with Ngāti Hauā representatives (through Te Huia Natural Resources) and sought to understand their views in respect of the various resource consents being sought.

The water related objectives are reinforced through the policies of Section 11:

Policies

Policy 11A: Work collaboratively to ensure a holistic and integrated approach is taken to restoring the mauri of freshwater within our rohe.

Policy 11B: Ensure that water allocation and use is equitable and efficient.

Policy 11C: Avoid further degradation of water quality within our rohe.

Policy 11D: Build traditional and contemporary knowledge about our wai.

The key policies in respect of, the resource consent being sought by 3Ms are Policy 11A, and Policy 11C. In terms of Policy 11A, 2Ms has worked with Ngāti Hauā representatives (through Te Huia Natural Resources) to understand their view in terms of its activities. Similarly, it is considered that the activities the subject of this application do not impact upon the ability to restore the mauri of freshwater.

Policy 11C requires that further degradation of water quality of the Ngāti Hauā rohe be avoided. It is noted that the stormwater management solution for the 3Ms site has been designed to ensure no adverse effects on freshwater bodies.

Cultural Heritage

This section of the NHEMP focuses on the ways in which cultural heritage can be protected from land use and development. It is considered that the approach to managing cultural, heritage and archaeological values is consistent with the provisions of this chapter.

6.5 PART 2 MATTERS

Recent case law has confirmed that a consent authority must have regard to the provisions of Part 2 when it is appropriate to do so.² Part 2 is an overriding matter and decisions on resource consents must demonstrably contribute towards the purpose of the Act. Reference to Part 2 of the RMA beyond its expression in the relevant statutory planning documents is appropriate where there is invalidity, incomplete coverage or uncertainty of meaning within the statutory planning documents in respect of determining a resource consent application. For this application, there is no invalidity, incomplete coverage or uncertainty of meaning within the statutory planning documents.

Notwithstanding the above, in accordance with Schedule 4(2)(1)(f) of the RMA, Part 2 of the RMA is considered to the extent appropriate in the following paragraphs.

The previous sections have set out the key matters the Wāipa District Council will be required to have regard to when considering the application. However, these considerations are expressly “subject to Part 2”, which incorporates an overall assessment

² R J Davidson Family Trust v Marlborough District Council, [2018] NZCA 316.



of the proposal against the sustainable management purpose of the RMA, which is defined in section 5 of the Act as:

- ... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Applying section 5 of the RMA involves judgement of whether a proposal would promote the sustainable management of natural and physical resources, and that judgement allows for the comparison of conflicting considerations and the scale and degree of them and their relative significance or proportion in the final outcome.

Regarding the requirement that effects be “avoided, remedied or mitigated”, case law has established that it is not required that all effects be avoided, or that there is no net effect on the environment or that all effects are compensated for in some way. Rather, it is about doing what is reasonably necessary, given the circumstances of the particular case, to lessen the severity of effects. The measures to be employed by 3Ms in respect to the subdivision of land at the subject property ensures that any actual and potential adverse environmental effects are avoided, remedied and/or mitigated.

Sections 6, 7 and 8 of the RMA set out the principles to be applied in achieving the purpose of the Act. They are not an end in themselves, but an accessory to the principal purpose. To the extent the principles of those sections are relevant they do not suggest the granting of the consent sought by 3Ms is inappropriate.

6.6 SUMMARY

In summary the proposed land use and subdivision are consistent with all the policy frameworks in the relevant national and regional planning instruments.



7. CONSULTATION

There is no duty for the applicant to undertake consultation for resource consent applications under section 36A of the RMA. Notwithstanding this, a significant amount of engagement occurred with various parties for the previous resource consent application.

Given that the current proposal is largely identical to the spatial layout of the C1 and C2/C3 Structure Plan (which addresses the concerns of those parties submitted in opposition to the previous 3Ms subdivision application) no specific consultation as part of this proposal is considered necessary.



8. NOTIFICATION

Sections 95A – 95G of the RMA set out the matters that Wāipa District Council must consider when deciding whether to notify the resource consent application. These sections are considered below.

8.1.1 Public Notification (Section 95A)

Step 1 (Mandatory Notification):

- › The applicant has not requested public notification of the application (95A(3)(a));
- › Public notification is not required under section 95C (95A(3)(b)); and
- › The application is not made jointly with an application to exchange recreation reserve land (95A(3)(c)).

The application is therefore not subject to mandatory public notification (95A(2)).

Step 2 (Public Notification Precluded):

- › The application is not subject to a rule or national environmental standard that precludes public notification (95A(5)(a)); and
- › The application is not for an activity listed in section 95A(5)(b).

Public notification is therefore not precluded under section 95A(4).

Step 3 (Public Notification Required in Certain Circumstances):

- › The application is not subject to a rule or national environmental standard that requires public notification (95A(8)(a)); and
- › Based on the conclusions reached in this AEE, the activity will not have adverse effects on the environment that are more than minor (95A(8)(b)).

Public notification of the application is not required under section 95A(7).

Step 4 (Special Circumstances):

- › No special circumstances requiring public notification apply to the application in regard to section 95A(4).

Public notification is not required under section 95A.



8.1.2 Affected Persons and Limited Notification

If the Waipa District Council does not publicly notify an application under section 95A, it must decide if there are any affected persons, an affected protected customary rights group, or affected customary marine title group in relation to the activity, whom it must give limited notification of the application.

With respect to the process set out in section 95B:

Step 1 (Certain Affected Groups and Persons):

- › There are no protected customary rights groups (95F) relevant to the area (95B(2)(a));
- › There are no protected customary marine rights groups (95G) relevant to the area (95B(2)(b)); and
- › The proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement (95B(3)(a)).

The application is therefore not subject to limited notification under section 95B step 1.

Step 2 (Limited Notification Precluded):

- › The application is not subject to a rule or national environmental standard that precludes public notification (95B(6)(a)); and
- › The application is not for an activity listed in section 95B(6)(b).

Limited notification is not precluded under section 95B(5).

Step 3 (Certain Other Affected Persons):

- › The application is not for an activity listed in section 95B(7)(a); and
- › The proposed activity may have adverse effects on any person that are minor or more than minor (95B(8)).

Limited notification of the application is not required under section 95B(9).

Step 4 (Special Circumstances):

- › No special circumstances requiring notification of any other person apply to the application in regards to section 95B(10).

Limited notification is not required under section 95B.

8.1.3 Notification Summary

Given that the 3Ms proposal is consistent with the Structure Plan for the C1 and C2/C3 Growth Cells, and that the public assets are entirely within the 3Ms land, it is considered that no parties are adversely affected by this proposal.

In addition, this area has been earmarked for residential development for over a decade, and this has been reinforced through the recent PC13 which live zones this area as Residential Zone.

On the basis of the above, it is requested that the subdivision consent application be processed by Waipā District Council on a non-notified basis.



9. CONCLUSION

3Ms of Cambridge GP Limited (“3Ms”) is the owner of approximately 47 hectares of land located on the northern side of Cambridge Road, west of Kelly Road and the existing Cambridge Town Centre, and are seeking to subdivide its existing property create over 200 lots that will be used for residential and other purposes within the Cambridge C2 Structure Plan area. In that regard, 3Ms is seeking a subdivision consent to enable the land to be subdivided to create the lots.

A subdivision consent is required from the Wāipa District Council for a **Non-Complying Activity**, requiring resource consent. The application is for a Non-Complying activity as all subdivision in a Deferred Zone is a Non-Complying Activity (aside from boundary adjustments). Therefore, the application needs to be considered in accordance with section 104D of the RMA. It is considered that both of the ‘gateway’ tests in section 104D of the RMA are met, and Council is able consider this application in accordance with section 104 of the RMA.

In accordance with section 104(1)(a) of the RMA, the actual and potential environmental effects have been assessed and are considered to be less than minor in nature.

The proposal has been assessed to be consistent with the relevant objectives and policies of the NPS-UD, Vision and Strategy, RPS and Wāipa District Plan, in accordance with section 104(1)(b) of the RMA. In accordance with section 104(1)(c) of the RMA, the Waikato Tainui Environmental Management Plan and Ngati Hauā Iwi Environmental Plan have also been addressed and it is concluded that the proposal is consistent with the direction of those plans.

It is also considered that the proposed development is consistent with the purpose and principles of the RMA and there are no reasons why the resource consent should not be granted.

It is requested that the subdivision consent application by 3Ms be processed by Waipā District Council on a non-notified basis.